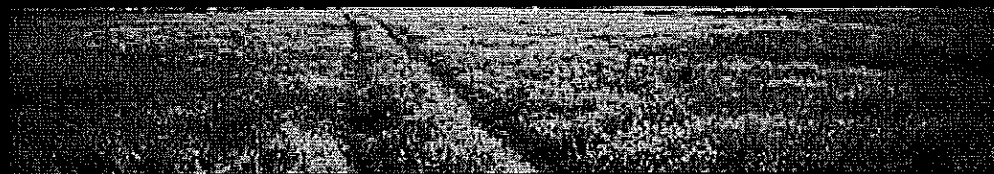
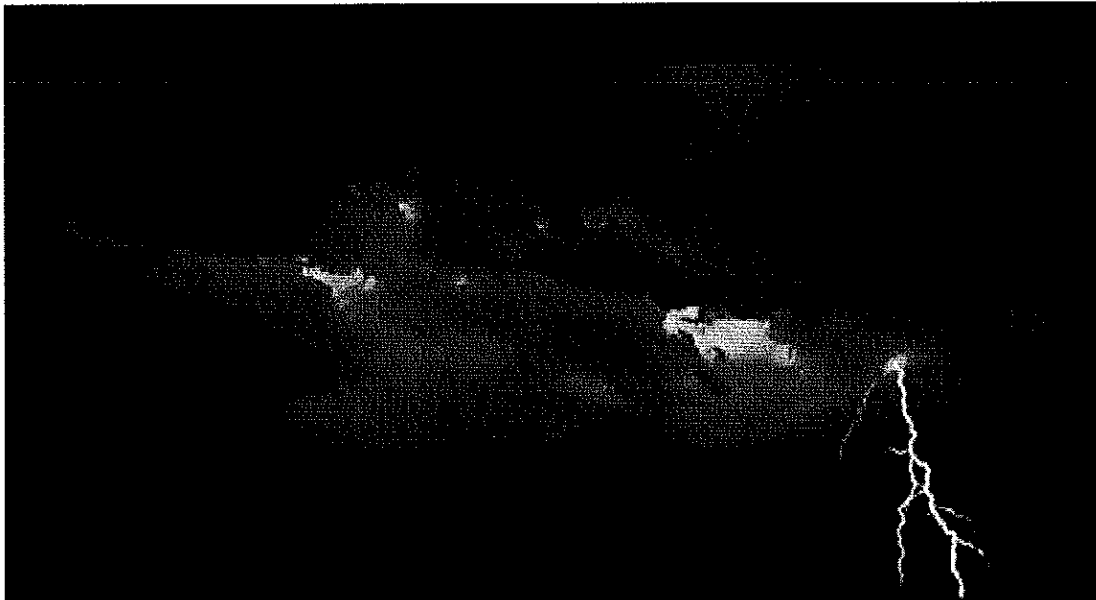




"When I started gathering the animals the ASPCA
took me to court.

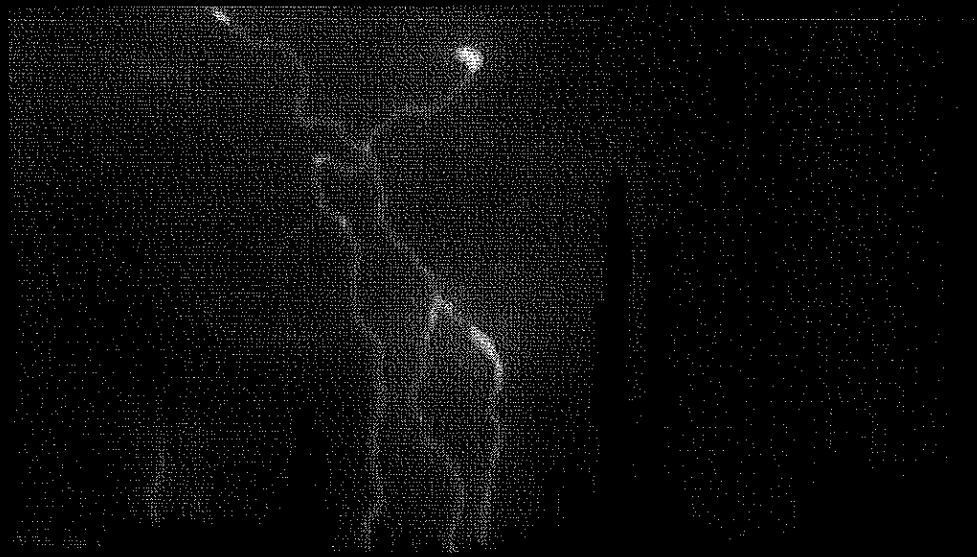
They insisted that I was confining wild animals
against their will. They
argued the accommodations were too restrictive
and
it was cruel and inhumane to put so many animals
in
a confined space."



"Then the Environmental Protection Agency
ruled that I couldn't build the ark until they'd
conducted an
environmental impact study on your proposed
flood."



"I'm still trying to resolve a complaint with the
Human Rights Commission on how many minorities
I'm
supposed to hire for my building crew."



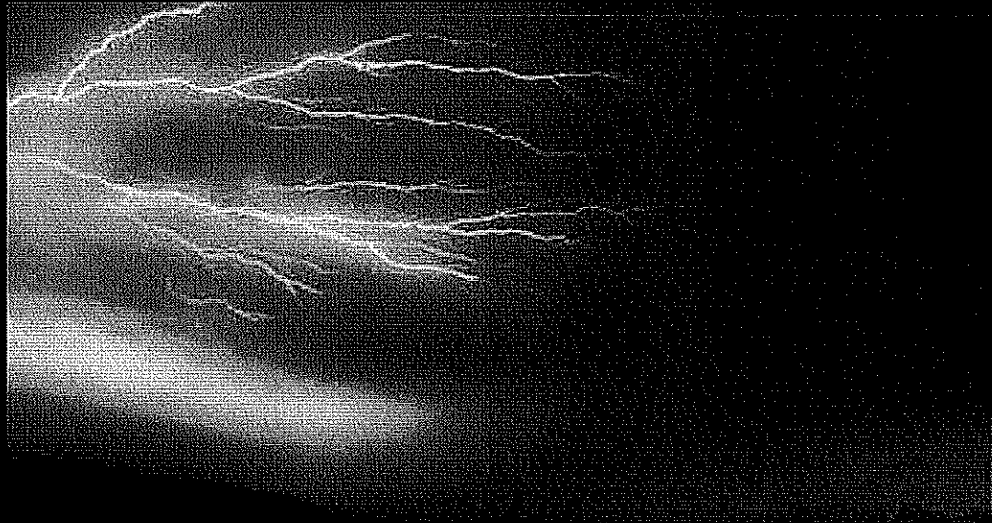
"The Immigration Dept. is checking the
visa status of most of the people who want to
work."



"The trade unions say I can't use my sons. They insist I have to hire only Union workers with ark-building experience."



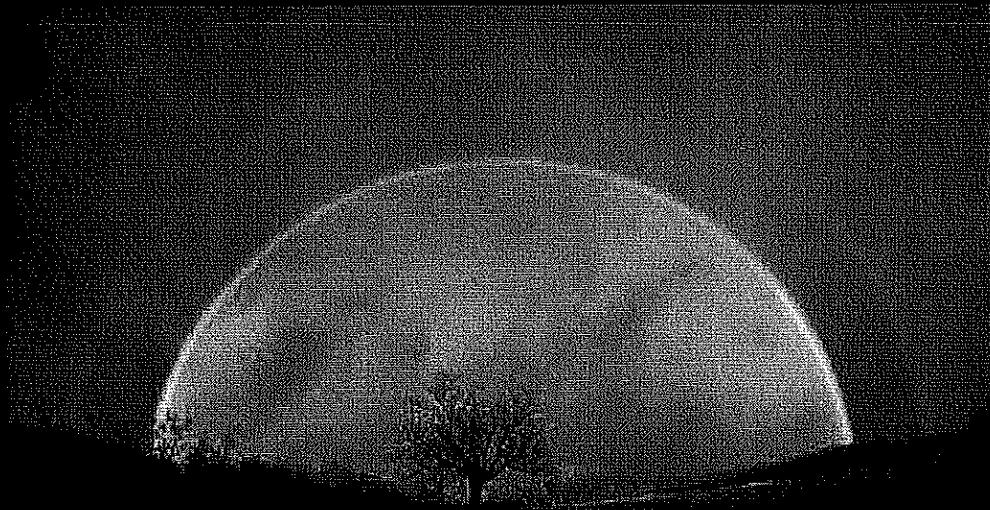
"To make matters worse, the IRS seized all my assets, claiming I'm trying to leave the country illegally with endangered species."



"So, forgive me, Lord, but it would take at least 10 years for me to finish this ark."



"Suddenly the skies cleared, the sun began to shine, and a rainbow stretched across the sky."



Noah looked up in wonder and asked,



"You mean you're not going to destroy the world?"

"No," said the Lord.
"The Government beat me to it."

End of Minority People's Email Network (MPEN) e-Newsletter

To subscribe, unsubscribe or invite others, please visit this website:

<http://sympa.mpen-ohio.net/>

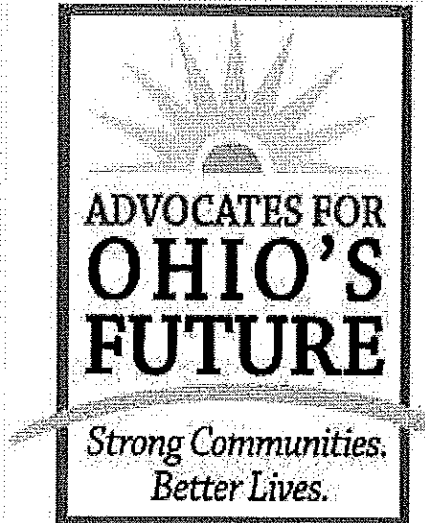
and click "List of lists" and then your list name to see its homepage
to do desired acts. Sincerely, Munsup

From: Advocates for Ohio's Future
Sent: Tuesday, April 24, 2018 9:00 AM
To: Rep48
Subject: New Director at Advocates for Ohio's Future!

[View this email in your browser](#)

*Advocates for Ohio's Future is excited to
Welcome new Coalition Manager Kelsey
Bergfeld!*

April 24, 2018



[Click here to go to our website](#)

For Immediate Release

COLUMBUS, OH – Advocates for Ohio's Future (AOF) is pleased to announce that Ms. Kelsey Bergfeld will become the organization's Coalition Manager on May 1.

AOF is a statewide coalition of nearly 500 local and statewide organizations that promote health and human service solutions so all Ohioans live better lives.

"I think Kelsey brings considerable advocacy and legislative experience to Advocates for Ohio's Future," said Lisa Hamler-Fugitt, the Executive Director of the Ohio Association of Food Banks and a co-chair of AOF.

Bergfeld most recently worked as the Legislative Liaison for SEIU District 1199 WV/KY/OH, and prior to that, was a Senior Legislative Aide for State Senator Tom Sawyer.

"We're excited about the experiences that Kelsey brings to the position. She has a wealth of knowledge in the legislative process and Ohio's health and human services system. Kelsey will be a great addition to our AOF team as we work to make sure all Ohioans live better lives. We look forward to her leading AOF into the future," said Mark Davis, President of Ohio Provider Resource Association and a co-chair of AOF.

In Bergfeld's new role, she will provide leadership in AOF's coalition work and policy advocacy. She will also work to develop legislative strategy for AOF and its members.

"Kelsey's understanding of the legislative landscape, certainly around health and human services programs, is very strong, and I think she is going to be a really

confident leader and a strong voice for our public policy agenda and representing our diverse coalition partners," said Hamler-Fugitt.

For more information on AOF, find us on Twitter at @Advocates4Ohio, on Facebook at Facebook.com/advocatesforohio or visit our website www.advocatesforohio.org.

Advocates for Ohio's Future
101 E. Town Street, Suite 520
Columbus, OH 43215
614-221-4945
www.advocatesforohio.org

[Click here to go to our website](http://www.advocatesforohio.org)

Copyright © 2018 The Center for Community Solutions, All rights reserved.

You are receiving this email because you opted-in and selected certain preferences on our website.

Our mailing address is:

The Center for Community Solutions
1501 Euclid Avenue
Suite 310
Cleveland, OH 44115

[Add us to your address book](#)

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#).

From: Public Policy Law360
Sent: Wednesday, April 25, 2018 4:54 AM
To: Rep48
Subject: Justices Curb Civil Suits Against Foreign Companies



Is Life As A Lawyer Making You Happy?

Take Law360's Anonymous Satisfaction Survey

Wednesday, April 25, 2018



TOP NEWS

Justices Curb Civil Suits Against Foreign Companies

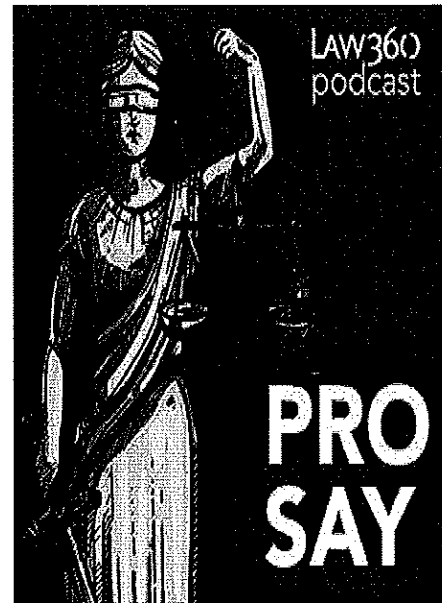
A divided U.S. Supreme Court on Tuesday ruled that litigants can't use the Alien Tort Statute to sue foreign corporations for overseas human rights abuses and violence, ending a case attempting to hold a Jordanian bank liable for its alleged financing of Palestinian militant attacks. [Read more »](#)

Analysis

Breyer Rushes To Chevron's Defense Amid Gorsuch Attacks

When U.S. Supreme Court Justice Neil Gorsuch issued his latest broadside to the well-established doctrine of Chevron deference in *SAS v. Iancu* on Tuesday, Justice Stephen Breyer refused to let the affront go uncontested, writing that Chevron should be treated as a "rule of thumb" giving federal agencies leeway to interpret ambiguous laws. [Read more »](#)

Analysis



[Listen to our new podcast here](#)

LAW FIRMS

Allen & Overy

Anthony Kennedy PC

Audet & Partners

Trump's Immigration Powers On The Line At The High Court

The U.S. Supreme Court will hear arguments Wednesday over the third version of President Donald Trump's travel ban in one of the most hotly anticipated cases of the term, which could have far-reaching implications not only for those targeted by the ban, but also for the president's broad powers to oversee immigration policy. [Read more »](#)

Justices Ask What Deference US Courts Owe Foreign Gov'ts

The U.S. Supreme Court explored the appropriate level of deference that U.S. courts should pay a foreign country's interpretation of its own laws during oral arguments Tuesday in a price-fixing case against Chinese vitamin C exporters, a question of increasing relevance in today's interconnected world. [Read more »](#)

Analysis

Justices' Arab Bank Ruling To Force Alien Tort Suit Rethink

A decision by the U.S. Supreme Court on Tuesday to find foreign corporations exempt from liability under the Alien Tort Statute is likely to lead to pressure on Congress to pass a law spelling out when non-U.S. companies can be sued for overseas human rights abuses, even if the prospects for such legislation appear dim. [Read more »](#)

Gov't's AT&T-Time Warner Expert Defends Price Hike Forecast

The U.S. Department of Justice's lead expert returned to D.C. federal court Tuesday to defend his hotly contested conclusions of antitrust harm from AT&T's planned \$85 billion purchase of Time Warner, arguing the model he used to estimate pay-TV price increases was "theoretically sound." [Read more »](#)

Senate OKs Trump Pick For 5th Circ. Seat

Baker Botts
Baker McKenzie
Ballard Spahr
Boies Schiller
Bracewell
Bryan Cave
Bull Housser
Cadwalader Wickersham
Chamberlain Hrdlicka
Clark Hill
Cleary Gottlieb
Coast Law Group
Cohen Milstein
Conrad O'Brien
Corbett Steelman
Covington & Burling
Cravath Swaine
Crowell & Moring
Cuneo Gilbert
DLA Piper
Davis Polk
Debevoise & Plimpton
Eckert Seamans
Foley & Lardner
Fried Frank
Gibson Dunn
Goodwin
Gordon & Rees
Gray Reed
Haeggquist & Eck
Hausfeld
Hunton Andrews Kurth
Jackson Walker
Jenner & Block
Jones Day
K&L Gates
Kasowitz Benson
Katten Muchin

The Senate has confirmed President Donald Trump's choice for a Louisiana-based Fifth Circuit vacancy, sending Schaerr Duncan LLP partner Stuart Kyle Duncan, a lead attorney in the U.S. Supreme Court's Hobby Lobby case, to the bench Tuesday on a largely partisan vote. Read more »

BANKING & SECURITIES

SEC Takes Closer Look At 5 NYSE Proposed Bitcoin ETFs

The U.S. Securities and Exchange Commission said it wants additional time to deliberate on a New York Stock Exchange proposal to list five bitcoin-related exchange traded funds, representing the largest batch of several bitcoin-related filings the SEC has under review. Read more »

CMS Wasn't 'Swiss Cheese,' Insider Trading Jury Told

Health spending deliberations at the Centers for Medicare and Medicaid Services weren't "Swiss cheese," a prosecutor said Tuesday in asking a Manhattan federal jury to convict a federal worker, a consultant and two investment pros accused of forming a "corrupt tipping chain" that linked Washington policy secrets to Wall Street traders. Read more »

Hong Kong OKs Listing Reforms To Allow Dual-Class Stock

The Hong Kong Stock Exchange on Tuesday gave the long-awaited green light to permit the listings of companies with dual-class shares and those with no revenue — measures meant to boost the region's global competitiveness — saying the new regime will take effect on April 30. Read more »

ENERGY & ENVIRONMENTAL

Pruitt Floats Overhaul To EPA Scientific Review Process

Kirkland & Ellis
Kramer Levin
Latham & Watkins
Locke Lord
Mayer Brown
Mitchell Silberberg
Morgan Lewis
Morrison & Foerster
Motley Rice
Norton Rose Fulbright
Nossaman LLP
O'Melveny & Myers
Osen LLC
Paul Hastings
Perkins Coie
Pillsbury Winthrop
Reed Smith
Riley Safer
Sayles Werbner
Shearman & Sterling
Sheppard Mullin
Sidley Austin
Skadden
Strasburger & Price
Susman Godfrey
Thompson & Knight
Vinson & Elkins
White and Williams
Williams & Connolly
Willkie Farr
WilmerHale
Wilson Sonsini
Winston & Strawn
Woodruff Spradlin

COMPANIES

3M Company
AT&T Inc.
ATS Corporation

U.S. Environmental Protection Agency Administrator Scott Pruitt on Tuesday proposed a rule that would prevent the agency from promulgating regulations using research that isn't publicly available, mirroring legislation that's advanced in the GOP-controlled Congress but hasn't yet made it into law. [Read more »](#)

EPA Tells DC Circ. New Renewable Fuel Mandates Are Proper

The U.S. Environmental Protection Agency told the D.C. Circuit on Monday that refiners and a biodiesel trade group were wrong to attack a rule that set the levels of renewable fuel that must be blended into the fuel supply, defending its discretion to calculate mandates. [Read more »](#)

HEALTH & LIFE SCIENCES

3rd Circ. Says Nuns Can Intervene In ACA Birth Control Row

The Third Circuit on Tuesday said a group of Roman Catholic nuns can intervene in Pennsylvania's suit aimed at blocking the Trump administration's rules dialing back the Affordable Care Act's contraception mandate through religious or moral exemptions for employers. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

Ex-Port Authority Commish Caught On Video Berating Cops

The attorney who abruptly resigned from her Port Authority of New York and New Jersey position profanely berated the police and identified herself as an agency commissioner at the scene of a traffic stop involving her daughter, according to a video released by police Tuesday. [Read more »](#)

EMPLOYMENT

Alibaba Group Holdings Ltd.
American Civil Liberties Union
American Council of Life Insurers
American Federation of Labor and Congress of Industrial Organizations
American Federation of Teachers
American Fuel & Petrochemical Manufacturers
Arab Bank PLC
Association of Corporate Counsel
Baker Hughes Inc.
CBOE Holdings Inc.
CME Group Inc.
CTIA
Cato Institute
Center for Strategic and International Studies
Charter Communications Inc.
Chevron Corporation
Deerfield Management Co. LP
Edison Electric Institute Inc.
Facebook
Fannie Mae
General Electric Company
Google Inc.
Halliburton Company
Hobby Lobby Stores
Hong Kong Exchanges and Clearing
ISO New England Inc.
International SOS Pte Ltd
Life Partners Holdings Inc.
LinkedIn Corp.
Microsoft Corporation
National Republican Congressional Committee
New York Times Co.
New York University

Socially Conscious Investing Must Make Financial Sense: DOL

The U.S. Department of Labor offered guidance on Monday to benefit plan administrators who want to make socially conscious investment decisions without breaching their fiduciary duty to plan participants, telling them they can make those investments as long as they put "the economic interests of the plan" first. [Read more »](#)

NJ Gov. Signs Equal Pay Bill Amid Debate Over Impact

New Jersey Gov. Phil Murphy on Tuesday signed into law a bill aimed at promoting equal pay for workers regardless of race or gender, which supporters praised as a way to reduce the pay gap while others warned the law is vague and a "litigation magnet." [Read more »](#)

CYBERSECURITY & PRIVACY

Calif. Drivers Seek Cert. In Toll-Fine Due Process Suit

California motorists asked a federal judge Monday to certify their class action alleging the operators of cashless tolls around Orange County unlawfully used drivers' personal information to collect unpaid tolls and unconstitutionally hit drivers with overblown fines, saying the operators engaged in uniform violations of the law. [Read more »](#)

New Senate Bill Calls For Social Media Data Transparency

Two U.S. senators, one Republican and one Democrat, introduced legislation Tuesday that would require social media companies to post clear and concise terms of service and tell users more about what sorts of "individually identifiable" data they collect. [Read more »](#)

Analysis

Cybersecurity Warning May Bring Gov't, Industry Together

Northwestern Mutual Life Insurance Co.

Oil States International Inc.

Oracle Corp.

Orange County Transportation Authority

PJM Interconnection LLC

PricewaterhouseCoopers

Royal Dutch Shell PLC

SAS Institute

Sinclair Broadcast Group, Inc.

Sony Pictures Entertainment Inc.

Sprint Nextel Corporation

Starbucks Corporation

Suddenlink Communications

Talen Energy Corp.

The Bank of New York Mellon Corp.

The DIRECTV Group, Inc.

Time Warner Inc.

Tribune Media Co.

Turner Broadcasting System Inc.

U.S. Chamber of Commerce

Union Pacific Corporation

Union of Concerned Scientists

Valero Energy Corp.

Verizon Communications

Viacom Inc.

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services

Bureau of Indian Affairs

Central Intelligence Agency

Congressional Budget Office

Department of Commerce

Employee Benefits Security Administration

European Union

Federal Aviation Administration

The U.S. and U.K. governments' recent joint warning about hacking threats from Russia offers assurance to businesses that government officials are open to working with them to combat such cyberattacks, while potentially emboldening them to push for stronger deterrence measures, attorneys say. [Read more »](#)

AEROSPACE & DEFENSE

House Passes Space, Tech Development Rule Changes

The House of Representatives passed a pair of bills Tuesday meant to make outer space and terrestrial technology development more commercially oriented, changing rules for commercial space missions and the National Science Foundation. [Read more »](#)

INTERNATIONAL TRADE

White House Steeling For Trade Talks With China

President Donald Trump said Tuesday that he would dispatch two of his top economic advisers to China "in a few days" to discuss the two countries' escalating trade tensions over steel and aluminum tariffs, technology policy and intellectual property enforcement. [Read more »](#)

Africa Trade Backers Hoping For Boost With New Legislation

President Donald Trump signed a bill late Monday that will direct the government to up its promotion of U.S. trade with sub-Saharan Africa to businesses and lawmakers who feel that engagement with the region has needlessly languished in recent years. [Read more »](#)

TAX

2nd Round Of Federal Tax Cuts Groundless, Wyden Says

Federal Bureau of Investigation
Federal Communications Commission
Federal Energy Regulatory Commission
Government Accountability Office
Internal Revenue Service
National Oceanic and Atmospheric Administration
National Science Foundation
New Jersey Department of Transportation
Office of the Comptroller of the Currency
Pennsylvania Attorney General's Office
Pennsylvania Department of Revenue
Pinoleville Pomo Nation
Port Authority of New York & New Jersey
Securities and Exchange Commission
Social Security Administration
U.S. Attorney's Office
U.S. Department of Defense
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of State
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. Immigration and Customs Enforcement
U.S. Patent and Trademark Office
U.S. Supreme Court
United Nations
United States Court of Appeals for the Third Circuit

Before trying to enact more tax overhaul legislation, Republicans should reflect on the broken promises of last year's law, Senate Finance Committee ranking member Ron Wyden, D-Ore., said Tuesday [Read more »](#)

IMMIGRATION

DACA Program Rescission Unlawful, DC Judge Rules

A D.C. federal court Tuesday ruled that the Trump administration's plan to end the Deferred Action for Childhood Arrivals program was unlawful and must be set aside, partially granting the NAACP's motion for partial summary judgment, requiring the government to accept new applicants. [Read more »](#)

DOJ Bid For Sanctuary City Ruling Stay Denied By 7th Circ.

The Seventh Circuit on Tuesday denied the U.S. Department of Justice's request to stay a nationwide injunction barring it from applying new, immigration-focused conditions on so-called sanctuary cities that apply for a federal public safety grant. [Read more »](#)

Feds Want Married Couples' Suit Over Removals Tossed

The federal government on Monday asked a Massachusetts federal court to toss a putative class action brought by married couples who allege the government is unlawfully trying to detain and deport immigrant spouses who are seeking permanent residency and are married to U.S. citizens. [Read more »](#)

ACLU Seeks Docs Related To Sharing Of Immigrant Tax Info

The American Civil Liberties Union has filed a Freedom of Information Act request for records and communications between the Social Security Administration and the U.S. Department of Homeland Security out of concern that sensitive tax information may be

World Trade Organization

used as an immigration enforcement tool.
[Read more »](#)

NATIVE AMERICAN

Feds Wrongly Denied Tribal Status Vote, 9th Circ. Hears

Members of a group seeking to form its own tribe have told the Ninth Circuit that the federal government was wrong to not allow them to vote on organizing as a half-blood Native American tribe, saying they have been denied their right to establish their own tribal government. [Read more »](#)

TELECOMMUNICATIONS

Sinclair-Tribune Divestitures Include 23 Station Sales

Sinclair Broadcast Group Inc. has laid out more details on how it aims to overcome media ownership limits to acquire Tribune Media Co., outlining plans Tuesday for 23 station divestitures, including holdings in Chicago, Seattle and Miami. [Read more »](#)

SD Tribe Hits FCC With Suit Over Infrastructure Rule

The Crow Creek Tribe hit the Federal Communications Commission with a proposed class action in South Dakota federal court Monday, seeking to represent federally recognized tribes in a suit claiming the FCC overstepped its authority when it recently approved new rules exempting small cell fixtures from environmental and historic reviews. [Read more »](#)

FCC Urged To Auction 3.5 GHz Licenses For Mix Of Areas

Two wireless trade groups have urged the FCC to auction 3.5 gigahertz band licenses in metro- and county-size chunks as a compromise on the areas' size, drawing criticism that the carriers are just dealing among themselves at the expense of 5G

stakeholders who want more-granular spectrum purchase options. [Read more »](#)

WHITE COLLAR

Skadden's Greg Craig Makes Sudden Exit Amid Mueller Probe

Gregory Craig, a politically connected legal adviser and lead author of a controversial report at play in the Mueller investigation, has left Skadden Arps Slate Meagher & Flom LLP, a firm spokesperson confirmed Tuesday. [Read more »](#)

Skadden Partner, Ex-US Atty Fitzgerald Is Repping Comey

Skadden Arps Slate Meagher & Flom LLP partner and former high-profile Chicago prosecutor Patrick Fitzgerald confirmed to Law360 on Tuesday that he has been part of James Comey's legal team since May 2017, the month the president fired Comey from his position as director of the FBI. [Read more »](#)

Mueller Slams Manafort's Bid To Nix Seized Evidence

Prosecutors on Tuesday hit back in D.C. federal court at Paul Manafort's request to suppress evidence collected from his home and a storage unit in Virginia, saying the former Trump campaign chairman's attacks on the underlying warrants are "without merit." [Read more »](#)

GWB Closures Weren't Criminal, 3rd Circ. Told

The former New Jersey Gov. Chris Christie associates sentenced to prison for orchestrating a retaliatory traffic jam on the George Washington Bridge urged the Third Circuit to overturn their convictions, arguing Tuesday that "bad" political decisions, not criminal misuse of property, were behind the lane closures. [Read more »](#)

EXPERT ANALYSIS

Series

State Tax After TCJA: Investment In Depreciable Property

In the first installment of the series, Jeremy Abrams and Sebastian Watt of Reed Smith LLP seek to provide a high-level overview of the most significant corporate state tax issues after the Tax Cut and Jobs Act and use state-specific examples to show that while determining how a state will conform to the Internal Revenue Code is not always clear, taxpayer-friendly results are possible. [Read more »](#)

Equal Pay: Where Do We Stand Now?

In *Kelly Ellis v. Google*, a California federal judge recently denied Google's bid to dismiss classwide claims alleging gender-based pay discrimination. If the class is certified and if the plaintiffs win, it may signify the beginning of the end of the fight for equal pay for women, say Debra Eilwood Meppen and Laurie DeYoung of Gordon & Rees LLP. [Read more »](#)

State Electric Generator Subsidies Challenge FERC Markets

In recent weeks, regional transmission organizations have attempted to amend their Federal Energy Regulatory Commission tariffs to protect their energy and capacity markets from state subsidies for certain types of power generation. Such subsidies challenge FERC's authority to effectively operate competitive wholesale markets, says Richard Drom of Eckert Seamans Cherin & Mellott LLC. [Read more »](#)

New TCJA Reporting Rules For Life Settlement Transactions

Investors who acquire in-force life insurance policies in the secondary trading market and life insurers paying death benefits for secondary life insurance market policies must understand the Tax Cuts and Jobs Act's new Internal Revenue Service informational

reporting requirements, say attorneys with Locke Lord LLP. [Read more »](#)

LEGAL INDUSTRY

BigLaw's 10 Biggest Revenue Winners And Losers Of 2017

In an otherwise positive year for law firm financials, a few firms stood out in 2017 with more drastic increases and decreases in revenue than the rest of the pack, according to the new Am Law 100 report released Tuesday. [Read more »](#)

Feature

Texas Firms See Opportunity In Shunning Merger Frenzy

Texas law firms are operating against a drumbeat of new entrants to the market, competitive lateral hiring and mergers that have swept up several long-established firms, but the stalwarts say their partners and clients prefer independence and say they've got plenty of room to grow and thrive. [Read more »](#)

In-House Attys Must Become Data Privacy Pros, Experts Say

In-house counsel must prepare for sweeping new data privacy regimes and gird their organizations against a potential cyberbreach by educating themselves about the technical aspects of cybersecurity and building collaborative relationships with other corporate departments, a panel of experts told corporate counsel at a conference on Tuesday. [Read more »](#)

Law Professionals Have Duty To Push Diversity And Inclusion

Diversity and inclusion in the legal ecosystem are global issues, and legal operations professionals have a responsibility and opportunity to promote and develop the topics across their organizations and industry, a

panel of women said on Tuesday. Read more
»

JOBS

Search full listings or advertise your job opening

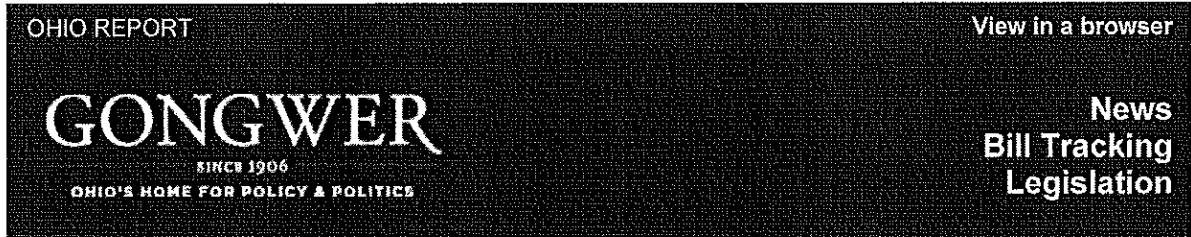
Not sure if your firm subscribes? Ask your librarian.

We hope you found this message to be useful.
However, if you'd rather not receive future emails of this sort,
you may unsubscribe [here](#).

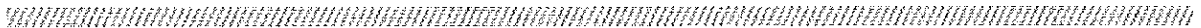
Please DO NOT reply to this email. For customer support inquiries, please call 1-646-783-7100 or visit our [Contact Us](#) page.

Law360 | Portfolio Media, Inc, 111 West 19th Street, 5th Floor, New York, NY 10011

From: Gongwer News Service
Sent: Wednesday, April 25, 2018 6:10 PM
To: Rep48
Subject: Ohio Report, Wednesday, April 25, 2018
Attachments: Apr25.htm; 180425dayplan.htm



OHIO REPORT WEDNESDAY, APRIL 25



Senate Leader Points To Variety Of Proposals After Kasich Urges Gun Safety Bill Vote

PUCO Approves Modified AEP Rate Settlement

House GOP To Vote May 15 On Next Speaker

Coal Group, Farm Bureau Urge Panel To Maintain Industry Tax Exemptions

Supreme Court Keeps In Place Rulings On Transfer Agreement, Autopsies

High Court Clarifies Appellate Review Of Arbitration Appeals

Cordray Campaign Pledges To Protect, Expand Veterans Benefits

Obhof OK With Legislative Look At E-School Enrollment Rules; OSU Joins Anti-Poverty Effort; Portman Bill Targets Tech Teacher Training; Auditor Issues Bus Study...

Space Embarks On Tour To Highlight Corruption; Cordray Launches New Ad; Yuko Gets SEIU Backing...

Sign Up For Gongwer Text Alerts

Governor's Appointments

Supplemental Agency Calendar

CALENDARS

Day Planner

Please send all correspondence to gongwer@gongwer-oh.com. This mailbox is not regularly monitored.

[View as a Web Page](#)

Copyright 2018, Gongwer News Service/Ohio
17 S. High St., Suite 630, Columbus OH 43215

All Rights Reserved. This message and any attachments may not be forwarded or reproduced without express permission from Gongwer News Service.

[unsubscribe](#)



Volume #87, Report #80 -- Wednesday, April 25, 2018

Senate Leader Points To Variety Of Proposals After Kasich Urges Gun Safety Bill Vote

Gov. John Kasich wants to see a set of gun safety proposals he is supporting come up for a vote, but one legislative leader said his chamber is working through several firearm-related issues.

The governor said Tuesday he hoped to see a vote on a proposal (HB 585 & SB 288) to make several changes to the state's gun laws. (See Gongwer Ohio Report, April 5, 2018)

Gov. Kasich pointed to the deadly shooting over the weekend at a Tennessee Waffle House restaurant, saying the state needs a "red flag" law to seize guns from people determined to be dangerous. That someone was able to stop the shooter while he reloaded also shows the need for limiting the capacity of magazines, the governor said.

The governor's proposals, particularly the "red flag" language creating extreme risk protection orders, have met pushback from some Republican legislators. (See Gongwer Ohio Report, April 10, 2018)

Gov. Kasich said he still expects the proposal to become law.

"We're going to get this package through," he said. "This is going to happen. It's not going to be easy to duck and run away and put your head in the sand. I will not let that happen. Maybe they can stop it, but it isn't going to be without a lot of people feeling a lot, a lot of pressure."

The governor said the gun safety proposal would likely pass if brought up for a vote.

"Bring it up and have a vote on it," he said. "We'll see where the votes are. Let's see where the majority of the caucus is. I guarantee you, you put this gun safety on the Senate floor, it passes. We need a vote."

Senate President Larry Obhof (R-Medina) said Wednesday he doesn't expect that exact proposal to come to the floor of his chamber, but that members are looking at several different items that could eventually pass.

"We have a very open process, we will look at a number of different changes related to firearms, some of which are in line with what the governor is looking at, some of which are longstanding problems that our caucus has felt we had a need to fix," he said.

The Senate leader pointed to legislation ranging from one sponsored by two Republicans to shift the burden of proof in self-defense cases, among other changes (SB 180), to proposals by Democrats to ban bump stocks (SB 219) and to create extreme risk protection orders (SB 278).

"Whether anything passes or whether a lot of it passes, we'll decide as a caucus," Sen. Obhof said.

The risk protection order measure, sponsored by Sen. Joe Schiavoni (D-Boardman), is one where Sen. Obhof said he's spoken with the sponsor and with the National Rifle Association in an effort to work out differences.

"Everything's on the table," he said.

PUCO Approves Modified AEP Rate Settlement

The Public Utilities Commission of Ohio's approval Wednesday of AEP Ohio's new rate plan sets the stage for what Chairman Asim Haque believes could be the state's longest period of rate stability in the last decade.

Mr. Haque made that assessment moments after the commission voted 4-0 to modify and approve a wide-ranging rate settlement agreement filed last year by AEP and 19 interested party groups. Commissioner Daniel Conway recused himself.

In addition to establishing rates until May 2024, the Electric Security Plan includes a \$21.1 million "Smart City Rider" to fund electric vehicle charging station development and microgrid investment.

If the commission later this year approves Duke Energy's own proposed settlement rate plan, rates would be stabilized for all four of Ohio's major electric utilities until the mid-2020s, Mr. Haque said.

"This decision represents stability for AEP customers," Mr. Haque said. "ESPs are big cases. They are time intensive and they are very litigious. To have stability in the AEP footprint...is a very good thing for AEP's current customers and for job creation in AEP's service territory."

The commission's order, which may still be appealed by opponents, has been years in the making.

AEP in 2016 filed its initial proposal but critics said that plan could pave the way for a 120% increase - from \$8.40 to \$18.40 a month - for affected customers. (See Gongwer Ohio Report, May 16, 2016)

The company filed a settlement agreement last year with 19 parties including the Ohio Manufacturers' Association, the Ohio Environmental Council, Industrial Energy Users-Ohio, the Natural Resources Defense Council to address those concerns. AEP has said

the stipulation would lead to a less than 50-cent increase in average monthly bills. (See Gongwer Ohio Report, August 28, 2017)

Julie Sloat, AEP Ohio president and chief operating officer, said in a statement the plan responds to consumer requests.

"Our customers want reliability and access to advanced technologies, such as EV charging stations, microgrids and renewable energy resources," she said.

"Our plan allows us to bring these services, which also will support economic development in Ohio, to customers across the state. The ESP enables us to continue our investments in the electric grid to provide reliable power and help advance the new technologies and cleaner energy that our customers want."

Dan Sawmiller, the NRDC's Ohio energy policy director, said one surprising modification made by the commission in its order is the removal of a provision that would have enabled AEP to push back that requested 120% increase until 2020.

Other wins from supporters' point of view is a \$10 million rebate program for electrical vehicle charging stations, \$10.5 million for microgrid projects, and regulatory tweaks clearing the way for 900 megawatts of clean energy in Appalachia, Mr. Sawmiller said.

"AEP's now going to be positioned to respond to the expectations of Ohio customers that have been pushing AEP to invest in more clean energy options for years," Mr. Sawmiller said. "On top of that there are some pilot programs in the stipulation and the data and the insight we're going to gain...create the groundwork for a lot of forward-looking progress."

The agreement still has its detractors, including the Ohio Consumers' Counsel, which has argued the deal lacks specifics on customer costs and that the "Smart City Rider" should have been tackled through a separate rate case. The OCC last month petitioned the PUCO to reopen the case to enable further debate. (See Gongwer Ohio Report, January 2, 2018)

"With the PUCO's approval of AEP's electric security plan today, the trend of charging Ohioans to subsidize outdated and non-competitive power plants continues," OCC spokeswoman Molly McGuire said. "And AEP's plan will also leave consumers paying subsidies for electric vehicle charging, microgrids, large customers (interruptible rates), automakers (bill credits), and possibly renewable energy."

The OCC has continued to press lawmakers to pass a bill (HB 247) banning Electric Security Plans, which it says deprive consumers of the benefits of competitive markets.

But in its order the PUCO determined that the ESP is "more favorable in the aggregate" than a market rate offer, which is the statutory guideline by which the commission evaluates ESPs.

"The ESP proposed in the stipulation affords customers in AEP Ohio's service territory numerous benefits and advances many of the state policy objectives enumerated in (Ohio Revised Code)," the PUCO's order reads.

Commissioner Lawrence Friedeman issued a concurring opinion elaborating on the aforementioned statutory provision - O.R.C. 4928.02 (C) - which establishes state policy as promoting customer choice, encouraging innovation and facilitating the development of the competitive retail electric market through flexible regulatory treatment.

Mr. Friedeman opined that market distortions resulting from cost imbalances might undermine that code section and that those distortions may "erect market barriers which have the tendency not to promote retail competition but rather to have an anti-competitive impact or in an extreme eventuality to re-monopolize the retail market inconsistent with enunciated state policy."

House GOP To Vote May 15 On Next Speaker

House Republicans will vote next month to choose the next speaker, and it is likely that the results of primary elections will influence who gets the gavel.

The majority caucus will vote at noon Tuesday, May 15, to choose its next leader, Speaker Pro Tem Rep. Kirk Schuring (R-Canton) said in a memo to members.

The special caucus will only consider votes for a new speaker to fill out the remainder of the year, not any other leadership positions, Rep. Schuring said.

The new speaker will replace Cliff Rosenberger, who resigned earlier this month amid an investigation by the FBI. (See Gongwer Ohio Report, April 12, 2018)

The speaker's race for the rest of the year could come down to the two candidates who have already been running for the job next year: Rep. Ryan Smith (R-Bidwell) and Rep. Larry Householder (R-Glenford). Another possibility is that the caucus will select a placeholder speaker to finish out the year, and Rep. Dorothy Pelanda (R-Marysville), who is term-limited, has expressed interest in that role.

Rep. Smith has said he's confident he can win the speaker's chair when a vote is called. (See Gongwer Ohio Report, April 13, 2018)

He and Rep. Householder have both been supporting candidates in primary races in an effort to secure a majority in the next General Assembly. (See Gongwer Ohio Report, January 30, 2018)

If the race comes down to Rep. Smith and Rep. Householder, a likely factor in the race will be the results of the primary election, to be held a week before the speaker vote.

The caucus could also choose a placeholder speaker, likely a term-limited member. Rep. Pelanda said she has discussed the possibility that she run to finish out the rest of

the year. Unlike the other hopefuls, she would be able to do so without the distraction of running in another election.

"I truly believe that it's in the best interest of the members of the Ohio House of Representatives that we have an interim leader to finish out the business of the 132nd General Assembly," she said in an interview.

She said she has not aligned herself with either of the other speaker candidates and said she has had "thoughtful, encouraging" conversations with fellow members about running.

"We've got three weeks until the election and the members will continue to be thoughtful about what is in the best interest going forward for this assembly," she said.

Coal Group, Farm Bureau Urge Panel To Maintain Industry Tax Exemptions

Existing tax breaks supporting the coal and agriculture sectors should be preserved, stakeholder groups told the Tax Expenditure Review Committee Wednesday.

The Ohio Coal Association and the Ohio Farm Bureau Federation were among a handful of interested groups arguing in favor of continuing certain tax exemptions as the panel considers whether to preserve or scrap them. (Testimony)

Their arguments are essentially the same - that their respective industries are experiencing trying times and therefore need all the assistance they can get.

OCA President Mike Cope said the coal industry is just now beginning to recover from the "relentless war on coal" waged by the Obama Administration.

"Any tax levied on the purchase of new equipment would be devastating to our recovering industry," Mr. Cope said. "State policy that could increase the cost of coal mining could translate into higher electricity bills for Ohio's consumers."

The tax credit Mr. Cope was referring to exempts tangible personal property used directly in mining. Memos from the Department of Taxation estimate that the break costs the General Revenue Fund \$73.4 million in Fiscal Year 2018 and \$74.3 million in FY 2019. (ODT Analyses)

The Farm Bureau, meanwhile, lobbied for the continuation of credits pertaining to tangible personal property used in agriculture and for the sales and installation of agricultural land tile and portable grain bins.

The former credit lowered GRF revenues by \$331.1 million and \$339.4 million in FY 2018 and 2019, ODT reported. The tile and grain bin concession has a smaller impact at just over \$1 million in each of those years.

"The application of sales tax to input costs of a capital intensive, low profit industry such as agriculture would have significant and severe consequences," said Tony Seegers, the group's director of state policy. "Farm Bureau strongly believes the sales tax exemption must be preserved."

If lawmakers did away with those tax credits, Mr. Seegers said, the higher costs wouldn't immediately be passed onto consumers through costs. Instead, he said farmers themselves would be forced to swallow the change.

"Because prices are dictated by commodity exchanges and global demand, increased costs associated with applying sales tax to inputs will largely be eaten by farmers," he said. "Considering the profit margins we operate on, one can't help to think this would very likely drive some farmers out of business."

The Ohio Council of Retail Merchants submitted written testimony defending an exemption for tangible personal property used in storing, preparing and serving food. ODT estimates a GRF impact of about \$34 million each fiscal year for the biennium due to that exemption.

"This exemption is vital to retailers engaged in providing food products to the general public, as well as to the public served by those retailers who benefit from lower prices as a result," the council argued.

Two other exemptions were on Wednesday's agenda but received no public feedback. They included sales of tangible personal property and services to electricity providers, and TPP used to produce printed materials. In Fiscal Years 2018-2019, those exemptions were expected to cost the GRF \$699.9 million and \$19.7 million respectively, according to ODT.

Wednesday's was the third overall meeting of the committee, which is tasked with reviewing all of Ohio's tax credits over the next eight years. The committee will meet again May 9 to discuss the remaining handful of sales and use tax breaks.

Chairman Sen. Scott Oelslager (R-N. Canton) said he anticipates the May meeting to be the committee's last this spring. The sales and use exemptions examined during the committee's meetings this year will form the basis of its first report this summer, he said.

"I think we're progressing in a manner that will help us make some decisions down the road and hopefully educate the people of Ohio who are watching," Sen. Oelslager said of the committee's work thus far.

The committee is expected to begin reviewing other exemptions heading into 2019 and has eight years to fully review all \$9 billion-plus a year Ohio's tax credits. The panel has already looked at manufacturing, packaging and a handful of other exemptions. (See Gongwer Ohio Report, April 11, 2018)

In general testimony, Zach Schiller, research director for Policy Matters Ohio, told members the legislature should appropriate funding for staff to undertake a more detailed analysis of the genesis of specific credits and how they have been broadened over time.

He also bemoaned that even as the committee continues its review lawmakers are still proposing and considering new tax exemptions through legislation.

"Adding new special-interest breaks is ill-conceived when this committee has barely started looking at the tax exemptions and credits we have now," Mr. Schiller said. "When the General Assembly thinks about giving away tens of millions for new business tax breaks, it should consider whether we have the money to pay for them, and whether the funds would be better spent educating young Ohioans, cutting our high infant-mortality rate, or fighting the opioid epidemic."

Supreme Court Keeps In Place Rulings On Transfer Agreement, Autopsies

The Ohio Supreme Court on Wednesday denied several motions for reconsideration, including in two high-profile cases involving abortion and public records.

In one case, the court declined to reconsider its February ruling that found the Department of Health was justified in revoking the operating license of a Toledo abortion clinic for lack of a written transfer agreement with a "local" hospital.

In the ruling, the court found that Capital Care Network of Toledo violated state administrative code by inking a written transfer agreement with an Ann Arbor hospital, which the ODH deemed to not be local. (See Gongwer Ohio Report, February 6, 2018)

Ohio Right to Life President Mike Gonidakis called on the state to revoke the license of Toledo's only abortion clinic.

"Capital Care Network owes an enormous fine of \$40,000 to the state of Ohio, based upon repeated violations of state law," he said. "The original Ohio Department of Health order remains in effect and in order to reopen, this abortion facility must reapply for a license and pay its fine before aborting anymore children."

However, in a statement of its own NARAL Pro-Choice Ohio called on the ODH to immediately reinstate the license for the clinic.

"This morning, a woman in Toledo woke up with the knowledge that she needed an abortion," Executive Director Kellie Copeland said. "There is a clinic in her community that can offer her safe and professional care. That clinic has met all state requirements to provide abortion services. John Kasich and Mike DeWine are standing in between that woman and this clinic, and they are violating her rights as they do so."

Shortly after the court's original decision, the clinic lined up a last-minute transfer agreement with ProMedica.

The court also declined to reconsider its December decision in which it ruled against two newspapers that sought to compel the release of the final, un-redacted autopsy reports of eight individuals murdered in a single night in April 2016 in a Pike County case that is still unsolved.

The divided court in a 4-3 decision found the records requested by the *Cincinnati Enquirer* and the *Columbus Dispatch* fall under the confidential law enforcement investigatory records exemption. (See Gongwer Ohio Report, December 14, 2017)

The newspapers had argued that under the law final autopsy reports do not qualify for the CLEIR exemption because a coroner is not a law enforcement official.

Justice Terrence O'Donnell and Justice Sharon Kennedy dissented with the ruling on the motion to reconsider.

In a less high-profile case, the court also declined to reconsider its decision not to accept jurisdiction in a case in which a commercial fishing operation alleged that the state's administrative code defining Lake Erie yellow perch management units is unconstitutionally vague. (See Gongwer Ohio Report, July 14, 2017)

High Court Clarifies Appellate Review Of Arbitration Appeals

When an appellate court reviews a lower court ruling on an arbitration decision it should conduct an independent review of the legal claims made on appeal, the Ohio Supreme Court ruled Wednesday.

In a unanimous decision authored by Justice Terrence O'Donnell, the high court determined appellate courts should accept findings of fact by trial courts that are not clearly made in error while reviewing the legal questions raised on appeal.

"When reviewing a trial court's decision to confirm, modify, vacate, or correct an arbitration award, an appellate court should accept findings of fact that are not clearly erroneous but should review questions of law de novo," Justice O'Donnell ruled.

The case stems from a dispute between the Portage County Board of Developmental Disabilities and one of its employees, the high court reported.

Patricia Byttner was hired to serve as an account clerk for the board with the understanding she would fill the role of a bus driver or bus aide in emergency situations.

After her hiring, Ms. Byttner refused a bus aide assignment, citing a pending knee surgery.

Two months later, the board amended her job description, leading to the union representing her to file a grievance. An arbitrator sided with Ms. Byttner and the union.

The board then successfully asked the Portage County Court of Common Pleas to vacate the ruling.

The union challenged the trial court decision at the Eleventh District Court of Appeals, which reinstated the arbitrator's decision.

However, the decision conflicted with other appellate court rulings, leading the case to the high court.

"In conformity with our resolution of the certified question, we recognize that the court of appeals conducted a proper de novo review of the trial court's decision in this case vacating the arbitration award, reversed its decision, reinstated the arbitration award, and therefore we affirm its judgment," Justice O'Donnell wrote for the court.

In his decision, Justice O'Donnell noted that nine of the state's appellate courts applied a de novo review while three applied an "abuse of discretion" review.

Tenth District Court of Appeals Judge Lisa Sadler sat in on the case for former Justice Bill O'Neill.

Cordray Campaign Pledges To Protect, Expand Veterans Benefits

Lieutenant governor candidate Betty Sutton on Wednesday unveiled her campaign's plan to safeguard health care benefits and create new employment protections for the state's servicemembers and veterans.

Ms. Sutton, the Democratic running mate of Rich Cordray, and former gubernatorial candidate Connie Pillich unveiled the campaign's policies regarding members of the armed forces at a press conference at the Statehouse Veterans Plaza.

The former congresswoman said the state has not done enough to support the men and women who are serving or have served in the military. She said enhancing services for veterans and better connecting them with existing resources would be a "top priority" in Cordray's administration.

"Too often our respect and admiration simply hasn't been matched by tangible action to help our veterans and servicemembers," she said.

The campaign's plan calls for the state to better fund county veterans services commissions to help them assist veterans making medical claims, offer incentives for employees who hire veterans with mild traumatic brain injuries, and protect the state's expansion of Medicaid for veterans who do not qualify for VA benefits.

Ms. Pillich, the head of the campaign's veterans policy team, said the "No. 1 concern" among veterans she has talked to throughout the state is health care. She said the Cordray campaign's plan would safeguard and expand important resources for servicemembers.

"Ohio veterans need much more than a specialty license plate," she said.

The former Ohio House member and U.S. Air Force veteran said the campaign also is proposing to include a box for veterans to check on state tax returns to allow the governor's office to identify them and connect them with available resources.

The plan also suggests the state protect the jobs of Army National Guard members who have been activated and allow spouses who lose their jobs because of a servicemember's transfer to collect unemployment benefits.

Ms. Sutton said she and her running mate also would make it a priority to take combat "predatory lenders" who target veterans.

"I can think of no leader with stronger credentials to do that than Rich Cordray," she said, citing her running mate's tenure as head of the Consumer Financial Protection Bureau.

Ms. Sutton, who previously served on the U.S. House Armed Services Committee, also pointed to Mr. Cordray's work on a successful 2009 ballot issue to authorize bonuses for veterans of conflicts in Afghanistan, Iraq and the Persian Gulf as evidence of his support for servicemembers.

"We owe veterans an enormous debt of gratitude, but our gratitude must be matched by tangible action by state government to improve the lives of veterans, servicemembers and military families," Mr. Cordray said in a statement. "Betty and I will fight every day in office to honor those who have served and provide them with the support they need to thrive in Ohio."

Obhof OK With Legislative Look At E-School Enrollment Rules; OSU Joins Anti-Poverty Effort; Portman Bill Targets Tech Teacher Training; Auditor Issues Bus Study...

Senate President Larry Obhof on Wednesday said setting standards for verifying e-school enrollment falls within the legislature's purview after a whistleblower's claims thrust a shuttered charter school back into the spotlight.

The chamber leader said after a nonvoting session that the body "should take a look" at how the state measures enrollment and funds such schools rather than fully deferring to ODE.

"When the legislature's able to do things or has the responsibility for doing things, it should be the legislature, not an administrative agency, that does that," he said.

The Associated Press first reported an employee of the Electronic Classroom of Tomorrow told Department of Education officials last year that the school demanded workers manipulate attendance figures after the state moved to recoup \$60 million in

payments. Within hours, the former employee's claim became an issue among candidates for attorney general and auditor. (See Gongwer Ohio Report, April 24, 2018)

Despite backing an examination of the issue by the legislature, Sen. Obhof (R-Medina) said he does not support "micromanaging all of the fine-tuned details" of the state's enrollment-verification process.

A bill (HB 611) sponsored by Rep. Keith Faber (R-Celina) and Rep. Kristina Roegner (R-Hudson) that would tie state payments to e-schools to the use of verifiable software that tracks attendance, class size and participation was introduced last week in the House.

Alliance for the American Dream: Ohio State University has received a \$1.5 grant after a philanthropic organization selected the school to participate in an effort aimed at bolstering the middle class.

Schmidt Futures, a group founded by former Alphabet Executive Chairman Eric Schmidt, announced this week it added OSU to its Alliance for the American Dream. The effort seeks to increase economic opportunities for working Americans and reduce poverty.

"We are delighted to announce that Ohio State will act as an inaugural partner in the Alliance for the American Dream," Mr. Schmidt said in a statement. "When I was in Columbus last December, I saw firsthand the energy and vibrancy of the campus and region. Columbus is a perfect place to find great, fresh ideas. We are delighted to support them as they fuel an innovation engine to help distressed communities and expand the middle class."

As part of the collaborative project, OSU will receive \$1.5 million in funding to engage business, community and government leaders in "in a robust brainstorming process," according to a news release from the school.

"As a modern land-grant university, Ohio State is committed to expanding opportunity, unlocking talent and increasing economic vitality," OSU President Michael V. Drake said in a statement. "We are absolutely thrilled to join the Alliance and to partner with individuals and communities on this important and timely endeavor. It's 'The Columbus Way' in action."

Teacher training bill: U.S. Senator Rob Portman announced the introduction of a bill aimed at establishing a grant program to support training for career and technical education teachers

"Quality CTE teachers play a key role in expanding access to high quality programs and making sure more students and parents recognize the value of a CTE education - all of which helps lead to more and better job opportunities for students," Sen. Portman said in a statement. "I'm proud to introduce this bipartisan bill to ensure that we have better prepared teachers for this generation and generations to come."

The Creating Quality Technical Educators Act would provide funding for one-year residencies at schools for potential career and technical educators.

Sen. Portman (R-Terrace Park) is co-chairman of the Career and Technical Education Caucus with Sen. Tammy Baldwin (D-WI) and Sen. Tim Kaine (D-VA). The co-chairs introduced the legislation alongside Sen. Shelley Moore Capito (R-WV).

The Alliance for Excellent Education, the American Federation of Teachers and the Association for Career and Technical Education have expressed support for the measure.

Feasibility study: Belmont County school districts could save money by combining their efforts to maintain school buses, according to a study called the "first of its kind" by the state auditor's office.

The Bellaire Local School District, the Bridgeport Exempted Village School District, the Shadyside Local School District and the St. Clairsville-Richland City School District requested the state perform the study after seeing the number of bus riders decrease in recent years.

The study found the districts could operate more efficiently and save money by combining some maintenance efforts. Legislation (HB5) that took effect in 2016 gave the auditor's office the power to study the feasibility of potential efforts to share services among local governments.

"Ohio has thousands of local government entities, which has the advantage of keeping government close to the people, but the drawback is duplication of effort," State Auditor Dave Yost said in a statement. "Sharing services can keep government close to the people while reducing redundant administration, facilities and equipment. This saves money and improves efficiency for taxpayers. It also is a way to continue providing an adequate level of service even if costs rise or budgets shrink."

Space Embarks On Tour To Highlight Corruption; Cordray Launches New Ad; Yuko Gets SEIU Backing...

Zack Space announced that he is embarking on a two-day, five-city tour detailing the "corrupt culture on Capitol Square."

The state auditor hopeful in a statement cited the Electronic Classroom of Tomorrow scandal and the resignation of former Speaker Cliff Rosenberger as examples of the "the pervasive culture of corruption."

"We must take state government back from the self-interested incumbents and campaign contributors who put their special interests above the needs of ordinary Ohioans," he said in a statement. "That's why I am calling for a wide-ranging criminal investigation into ECOT and for the politicians who aided and abetted this scam to

donate every cent of campaign contributions received from ECOT founder Bill Lager and his associates to charities supporting Ohio public schools."

The tour included Wednesday stops in Youngstown and Steubenville and will head to events in Dayton, Toledo and Lima on Thursday.

New Ad: Democrat Richard Cordray is up with his second television ad in his gubernatorial campaign.

In "Save," the former director of the Consumer Financial Protection Bureau touts his record of protecting consumers.

"As treasurer, Cordray safeguarded your tax dollars. As attorney general he recovered \$2 billion that Wall Street stole," the narrator says in the 30-second spot. "That's why President Obama chose him to be our nation's top consumer watchdog."

SEIU Backing: Senate Minority Leader Kenny Yuko, who faces a primary challenge from Rep. John Barnes (D-Cleveland), announced on Wednesday the Service Employees International Union District 1199 WV/KY/OH is backing his candidacy.

In announcing the endorsement Anthony Caldwell, director of public affairs, in a statement cited the Richmond Heights Democrat's three-decade career as a union organizer.

"Yuko's career as a 30-year union organizer reinforces and guides his principles to support the people of his district and determination to help those who are most vulnerable. He wants families in the 25th Senate District and across Ohio to earn fair wages, a quality public education, and access to healthcare coverage," he said.

Union Endorsement: Franklin County Recorder Danny O'Connor picked up another endorsement in his bid for the Democratic nomination in the 12th Congressional District.

The Communications Workers of America Local 4502 announced Wednesday that it is backing his candidacy. President David McCune in a statement said Mr. O'Connor will fight to protect working families.

"Danny has a passion for issues that affect hard working men and women such as creating economic opportunity and jobs for Ohio, improving our education system, and safeguarding our voting rights and the commitment to work for families," he said.

Farm Bill: The Ohio Farmers Union announced Wednesday its opposition to the U.S. House's version of the farm bill.

President Joe Logan said the proposal "turned a blind eye toward the urgent needs of farmers for a strong safety net" and "to the nutrition needs of America's least fortunate in both rural and urban communities."

"The Congress and administration have clearly demonstrated a willingness to explode the federal budget deficit by giving a \$1.5 trillion tax cut to wealthy corporations and individuals," he added. "When rural America asks for a far more modest budget request, they can't manage to find a way to lend a hand."

BWC Rebate: In the wake of the Bureau of Workers' Compensation's announcement that it is issuing an employer premium rebate to the tune of \$1.5 billion, the Ohio Association of Justice is questioning a challenge to an appellate court ruling that found some "scheduled loss awards" should be paid in lump sums.

BWC was paying those awards to workers who suffer amputations or loss of use due to industrial injuries on a biweekly basis.

"It is time to ask, when did the Ohio workers' compensation system stop being about injured workers?" John Van Doorn, government affairs director, said in a release. "We are all in favor of job creation in this state, but let's share some of the BWC's financial surplus with the injured workers who the system was constitutionally created to protect."

Advocate Seeks KY Seat: Longtime Ohio Statehouse fixture Col Owens is looking to enter the other side of the legislative political realm - just in another state.

Mr. Owens, who served for 30 years as senior attorney for the Legal Aid Society of Southwest Ohio and was involved in Advocates for Ohio's Future and other groups backing health and human services funding, is running as a Democrat in Kentucky's 69th House District.

The lifelong Kentucky resident's candidacy is the subject of a fundraiser next month at the home of former Ohio Rep. Ted Celeste and wife Bobbie, 1230 Oakland Ave. in Grandview Heights.

Those interested in attending or seeking more information on the event, set for 5:30-7 p.m. May 10, should RSVP to Cathy Levine at cathyjlevine@gmail.com or 614-313-7478.

Sign Up For Gongwer Text Alerts

Gongwer News Service subscribers can now receive bill tracking alerts, breaking news updates and other key Gongwer products via text message.

To activate text alerts, subscribers should log in to their accounts, click on their name in the banner and select Update Profile. Next, enter your mobile number and carrier, and select the alerts and messages you want to receive via text. Once your preferences have been set, click the Update button at the bottom of the box.

The system allows subscribers to request text notifications regarding the publication of the Gongwer *Ohio Report*, breaking news updates, media clips and legislative floor

reports. Subscribers can also request real-time bill tracking alerts or a daily summary of activities on all bills that are being tracked.

Alert preferences can be changed at any time.

Due to limitations on the size of text messages, all text-based alerts will include a summary of the message received and a link to the full content of the message.

The new services are available to subscribers at no additional cost.

All Gongwer accounts include access to the leading bill tracking system that offers real-time alerts on legislation of interest. Subscribers can track by bill number, keyword, sponsor and Revised Code section and can also receive alerts based on legislative activity, committee scheduling and subject area. All bill tracking features, which include customizable bill status reports that can be shared with members and clients, are available on Gongwer's Bill Tracking page.

For questions about Gongwer bill tracking services, contact Gongwer at gongwer@gongwer-oh.com or 614.221.1992.

Governor's Appointments

Columbus State Community College Board of Trustees: Rick Ritzler of Galena (Delaware Co.) has been appointed to the for a term beginning April 25, 2018, and ending August 31, 2023.

Waterways Safety Council: Amy Dingle of Dayton (Montgomery Co.) has been appointed to the for a term beginning April 25, 2018, and ending January 30, 2021.

Supplemental Agency Calendar

Friday, April 27

STEM Designation Committee, 25 S. Front St., Columbus, 9:30 a.m.

Wednesday, May 9

Veterinary Medical Licensing Board, Rm. 1914, 77 S. High St., Columbus, 8:30 a.m.

17 S. High St., Suite 630

Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Mike Livingston, Dustin Ensinger, Jon Reed, Tom Gallick, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

© 2018, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.



Daily Activity Planner for Thursday, April 26

Legislative Committees

No legislative committees scheduled.

Agency Calendar

BWC Board of Directors, 30 W. Spring St., Room 3 on Level 2, Columbus, 8 a.m.
Facilities Construction Commission, Rm. 121, Statehouse, Columbus, 1:30 p.m.

Event Planner

Deadline to file pre-primary campaign finance reports

Rep. Glenn Holmes (D-McDonald) fundraiser, Vernon's Italian Ristorante, 720 Youngstown-Warren Road, Niles, 5 p.m., (Event Sponsor \$1500, Supporter \$1000, Friend \$500, Table Sponsor \$300, Individual \$60 to Committee to Elect Glenn Holmes)

Rep. Nathan Manning (R-N. Ridgeville) fundraiser, Berry's Restaurant, 15 W. Main Street, Norwalk, 5 p.m., (Sponsor: \$250 to Nathan Manning for Ohio)

Rep. Anne Gonzales (R-Westerville) fundraiser, Aloft Columbus Westerville, 32 Heatherdown Drive, Westerville, 5:30 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$250 to Citizens for Anne Gonzales)

Rep. Hearcel Craig (D-Columbus) fundraiser, The Lincoln Caf 740 E. Long St., Columbus, 5:30 p.m., (\$250, \$100, \$50, \$25 to Friends of Hearcel F. Craig)

17 S. High St., Suite 630

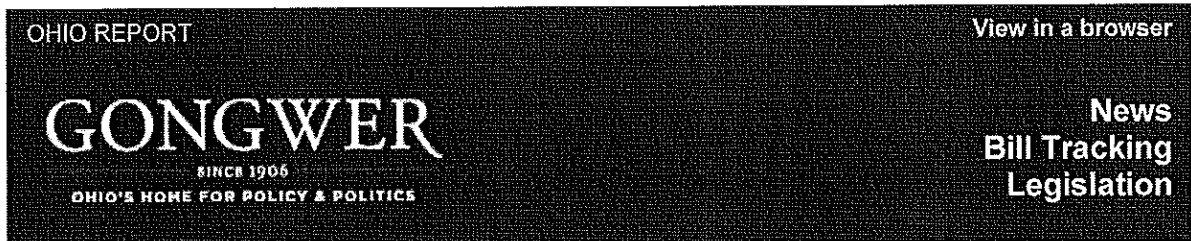
Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Mike Livingston, Dustin Ensinger, Jon Reed, Tom Gallick, Staff Writers

  2018, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.

From: Gongwer News Service
Sent: Wednesday, April 25, 2018 6:11 PM
To: Rep48
Subject: Ohio Report, Wednesday, April 25, 2018
Attachments: Apr25.htm; 180425dayplan.htm



OHIO REPORT WEDNESDAY, APRIL 25

////////////////////////////////////
**Senate Leader Points To Variety Of Proposals After Kasich Urges Gun
Safety Bill Vote**

PUCO Approves Modified AEP Rate Settlement

House GOP To Vote May 15 On Next Speaker

**Coal Group, Farm Bureau Urge Panel To Maintain Industry Tax
Exemptions**

**Supreme Court Keeps In Place Rulings On Transfer Agreement,
Autopsies**

High Court Clarifies Appellate Review Of Arbitration Appeals

Cordray Campaign Pledges To Protect, Expand Veterans Benefits

Obhof OK With Legislative Look At E-School Enrollment Rules; OSU Joins Anti-Poverty Effort; Portman Bill Targets Tech Teacher Training; Auditor Issues Bus Study...

Space Embarks On Tour To Highlight Corruption; Cordray Launches New Ad; Yuko Gets SEIU Backing...

Sign Up For Gongwer Text Alerts

Governor's Appointments

Supplemental Agency Calendar

CALENDARS

Day Planner

Please send all correspondence to gongwer@gongwer-oh.com. This mailbox is not regularly monitored.

[View as a Web Page](#)

Copyright 2018, Gongwer News Service/Ohio
17 S. High St., Suite 630, Columbus OH 43215

All Rights Reserved. This message and any attachments may not be forwarded or reproduced without express permission from Gongwer News Service.

[unsubscribe](#)



Volume #87, Report #80 -- Wednesday, April 25, 2018

Senate Leader Points To Variety Of Proposals After Kasich Urges Gun Safety Bill Vote

Gov. John Kasich wants to see a set of gun safety proposals he is supporting come up for a vote, but one legislative leader said his chamber is working through several firearm-related issues.

The governor said Tuesday he hoped to see a vote on a proposal (HB 585 & SB 288) to make several changes to the state's gun laws. (See Gongwer Ohio Report, April 5, 2018)

Gov. Kasich pointed to the deadly shooting over the weekend at a Tennessee Waffle House restaurant, saying the state needs a "red flag" law to seize guns from people determined to be dangerous. That someone was able to stop the shooter while he reloaded also shows the need for limiting the capacity of magazines, the governor said.

The governor's proposals, particularly the "red flag" language creating extreme risk protection orders, have met pushback from some Republican legislators. (See Gongwer Ohio Report, April 10, 2018)

Gov. Kasich said he still expects the proposal to become law.

"We're going to get this package through," he said. "This is going to happen. It's not going to be easy to duck and run away and put your head in the sand. I will not let that happen. Maybe they can stop it, but it isn't going to be without a lot of people feeling a lot, a lot of pressure."

The governor said the gun safety proposal would likely pass if brought up for a vote.

"Bring it up and have a vote on it," he said. "We'll see where the votes are. Let's see where the majority of the caucus is. I guarantee you, you put this gun safety on the Senate floor, it passes. We need a vote."

Senate President Larry Obhof (R-Medina) said Wednesday he doesn't expect that exact proposal to come to the floor of his chamber, but that members are looking at several different items that could eventually pass.

"We have a very open process, we will look at a number of different changes related to firearms, some of which are in line with what the governor is looking at, some of which are longstanding problems that our caucus has felt we had a need to fix," he said.

The Senate leader pointed to legislation ranging from one sponsored by two Republicans to shift the burden of proof in self-defense cases, among other changes (SB 180), to proposals by Democrats to ban bump stocks (SB 219) and to create extreme risk protection orders (SB 278).

"Whether anything passes or whether a lot of it passes, we'll decide as a caucus," Sen. Obhof said.

The risk protection order measure, sponsored by Sen. Joe Schiavoni (D-Boardman), is one where Sen. Obhof said he's spoken with the sponsor and with the National Rifle Association in an effort to work out differences.

"Everything's on the table," he said.

PUCO Approves Modified AEP Rate Settlement

The Public Utilities Commission of Ohio's approval Wednesday of AEP Ohio's new rate plan sets the stage for what Chairman Asim Haque believes could be the state's longest period of rate stability in the last decade.

Mr. Haque made that assessment moments after the commission voted 4-0 to modify and approve a wide-ranging rate settlement agreement filed last year by AEP and 19 interested party groups. Commissioner Daniel Conway recused himself.

In addition to establishing rates until May 2024, the Electric Security Plan includes a \$21.1 million "Smart City Rider" to fund electric vehicle charging station development and microgrid investment.

If the commission later this year approves Duke Energy's own proposed settlement rate plan, rates would be stabilized for all four of Ohio's major electric utilities until the mid-2020s, Mr. Haque said.

"This decision represents stability for AEP customers," Mr. Haque said. "ESPs are big cases. They are time intensive and they are very litigious. To have stability in the AEP footprint...is a very good thing for AEP's current customers and for job creation in AEP's service territory."

The commission's order, which may still be appealed by opponents, has been years in the making.

AEP in 2016 filed its initial proposal but critics said that plan could pave the way for a 120% increase - from \$8.40 to \$18.40 a month - for affected customers. (See Gongwer Ohio Report, May 16, 2016)

The company filed a settlement agreement last year with 19 parties including the Ohio Manufacturers' Association, the Ohio Environmental Council, Industrial Energy Users-Ohio, the Natural Resources Defense Council to address those concerns. AEP has said

the stipulation would lead to a less than 50-cent increase in average monthly bills. (See Gongwer Ohio Report, August 28, 2017)

Julie Sloat, AEP Ohio president and chief operating officer, said in a statement the plan responds to consumer requests.

"Our customers want reliability and access to advanced technologies, such as EV charging stations, microgrids and renewable energy resources," she said.

"Our plan allows us to bring these services, which also will support economic development in Ohio, to customers across the state. The ESP enables us to continue our investments in the electric grid to provide reliable power and help advance the new technologies and cleaner energy that our customers want."

Dan Sawmiller, the NRDC's Ohio energy policy director, said one surprising modification made by the commission in its order is the removal of a provision that would have enabled AEP to push back that requested 120% increase until 2020.

Other wins from supporters' point of view is a \$10 million rebate program for electrical vehicle charging stations, \$10.5 million for microgrid projects, and regulatory tweaks clearing the way for 900 megawatts of clean energy in Appalachia, Mr. Sawmiller said.

"AEP's now going to be positioned to respond to the expectations of Ohio customers that have been pushing AEP to invest in more clean energy options for years," Mr. Sawmiller said. "On top of that there are some pilot programs in the stipulation and the data and the insight we're going to gain...create the groundwork for a lot of forward-looking progress."

The agreement still has its detractors, including the Ohio Consumers' Counsel, which has argued the deal lacks specifics on customer costs and that the "Smart City Rider" should have been tackled through a separate rate case. The OCC last month petitioned the PUCO to reopen the case to enable further debate. (See Gongwer Ohio Report, January 2, 2018)

"With the PUCO's approval of AEP's electric security plan today, the trend of charging Ohioans to subsidize outdated and non-competitive power plants continues," OCC spokeswoman Molly McGuire said. "And AEP's plan will also leave consumers paying subsidies for electric vehicle charging, microgrids, large customers (interruptible rates), automakers (bill credits), and possibly renewable energy."

The OCC has continued to press lawmakers to pass a bill (HB 247) banning Electric Security Plans, which it says deprive consumers of the benefits of competitive markets.

But in its order the PUCO determined that the ESP is "more favorable in the aggregate" than a market rate offer, which is the statutory guideline by which the commission evaluates ESPs.

"The ESP proposed in the stipulation affords customers in AEP Ohio's service territory numerous benefits and advances many of the state policy objectives enumerated in (Ohio Revised Code)," the PUCO's order reads.

Commissioner Lawrence Friedeman issued a concurring opinion elaborating on the aforementioned statutory provision - O.R.C. 4928.02 (C) - which establishes state policy as promoting customer choice, encouraging innovation and facilitating the development of the competitive retail electric market through flexible regulatory treatment.

Mr. Friedeman opined that market distortions resulting from cost imbalances might undermine that code section and that those distortions may "erect market barriers which have the tendency not to promote retail competition but rather to have an anti-competitive impact or in an extreme eventuality to re-monopolize the retail market inconsistent with enunciated state policy."

House GOP To Vote May 15 On Next Speaker

House Republicans will vote next month to choose the next speaker, and it is likely that the results of primary elections will influence who gets the gavel.

The majority caucus will vote at noon Tuesday, May 15, to choose its next leader, Speaker Pro Tem Rep. Kirk Schuring (R-Canton) said in a memo to members.

The special caucus will only consider votes for a new speaker to fill out the remainder of the year, not any other leadership positions, Rep. Schuring said.

The new speaker will replace Cliff Rosenberger, who resigned earlier this month amid an investigation by the FBI. (See Gongwer Ohio Report, April 12, 2018)

The speaker's race for the rest of the year could come down to the two candidates who have already been running for the job next year: Rep. Ryan Smith (R-Bidwell) and Rep. Larry Householder (R-Glenford). Another possibility is that the caucus will select a placeholder speaker to finish out the year, and Rep. Dorothy Pelanda (R-Marysville), who is term-limited, has expressed interest in that role.

Rep. Smith has said he's confident he can win the speaker's chair when a vote is called. (See Gongwer Ohio Report, April 13, 2018)

He and Rep. Householder have both been supporting candidates in primary races in an effort to secure a majority in the next General Assembly. (See Gongwer Ohio Report, January 30, 2018)

If the race comes down to Rep. Smith and Rep. Householder, a likely factor in the race will be the results of the primary election, to be held a week before the speaker vote.

The caucus could also choose a placeholder speaker, likely a term-limited member. Rep. Pelanda said she has discussed the possibility that she run to finish out the rest of

the year. Unlike the other hopefuls, she would be able to do so without the distraction of running in another election.

"I truly believe that it's in the best interest of the members of the Ohio House of Representatives that we have an interim leader to finish out the business of the 132nd General Assembly," she said in an interview.

She said she has not aligned herself with either of the other speaker candidates and said she has had "thoughtful, encouraging" conversations with fellow members about running.

"We've got three weeks until the election and the members will continue to be thoughtful about what is in the best interest going forward for this assembly," she said.

Coal Group, Farm Bureau Urge Panel To Maintain Industry Tax Exemptions

Existing tax breaks supporting the coal and agriculture sectors should be preserved, stakeholder groups told the Tax Expenditure Review Committee Wednesday.

The Ohio Coal Association and the Ohio Farm Bureau Federation were among a handful of interested groups arguing in favor of continuing certain tax exemptions as the panel considers whether to preserve or scrap them. (Testimony)

Their arguments are essentially the same - that their respective industries are experiencing trying times and therefore need all the assistance they can get.

OCA President Mike Cope said the coal industry is just now beginning to recover from the "relentless war on coal" waged by the Obama Administration.

"Any tax levied on the purchase of new equipment would be devastating to our recovering industry," Mr. Cope said. "State policy that could increase the cost of coal mining could translate into higher electricity bills for Ohio's consumers."

The tax credit Mr. Cope was referring to exempts tangible personal property used directly in mining. Memos from the Department of Taxation estimate that the break costs the General Revenue Fund \$73.4 million in Fiscal Year 2018 and \$74.3 million in FY 2019. (ODT Analyses)

The Farm Bureau, meanwhile, lobbied for the continuation of credits pertaining to tangible personal property used in agriculture and for the sales and installation of agricultural land tile and portable grain bins.

The former credit lowered GRF revenues by \$331.1 million and \$339.4 million in FY 2018 and 2019, ODT reported. The tile and grain bin concession has a smaller impact at just over \$1 million in each of those years.

"The application of sales tax to input costs of a capital intensive, low profit industry such as agriculture would have significant and severe consequences," said Tony Seegers, the group's director of state policy. "Farm Bureau strongly believes the sales tax exemption must be preserved."

If lawmakers did away with those tax credits, Mr. Seegers said, the higher costs wouldn't immediately be passed onto consumers through costs. Instead, he said farmers themselves would be forced to swallow the change.

"Because prices are dictated by commodity exchanges and global demand, increased costs associated with applying sales tax to inputs will largely be eaten by farmers," he said. "Considering the profit margins we operate on, one can't help to think this would very likely drive some farmers out of business."

The Ohio Council of Retail Merchants submitted written testimony defending an exemption for tangible personal property used in storing, preparing and serving food. ODT estimates a GRF impact of about \$34 million each fiscal year for the biennium due to that exemption.

"This exemption is vital to retailers engaged in providing food products to the general public, as well as to the public served by those retailers who benefit from lower prices as a result," the council argued.

Two other exemptions were on Wednesday's agenda but received no public feedback. They included sales of tangible personal property and services to electricity providers, and TPP used to produce printed materials. In Fiscal Years 2018-2019, those exemptions were expected to cost the GRF \$699.9 million and \$19.7 million respectively, according to ODT.

Wednesday's was the third overall meeting of the committee, which is tasked with reviewing all of Ohio's tax credits over the next eight years. The committee will meet again May 9 to discuss the remaining handful of sales and use tax breaks.

Chairman Sen. Scott Oelslager (R-N. Canton) said he anticipates the May meeting to be the committee's last this spring. The sales and use exemptions examined during the committee's meetings this year will form the basis of its first report this summer, he said.

"I think we're progressing in a manner that will help us make some decisions down the road and hopefully educate the people of Ohio who are watching," Sen. Oelslager said of the committee's work thus far.

The committee is expected to begin reviewing other exemptions heading into 2019 and has eight years to fully review all \$9 billion-plus a year Ohio's tax credits. The panel has already looked at manufacturing, packaging and a handful of other exemptions. (See Gongwer Ohio Report, April 11, 2018)

In general testimony, Zach Schiller, research director for Policy Matters Ohio, told members the legislature should appropriate funding for staff to undertake a more detailed analysis of the genesis of specific credits and how they have been broadened over time.

He also bemoaned that even as the committee continues its review lawmakers are still proposing and considering new tax exemptions through legislation.

"Adding new special-interest breaks is ill-conceived when this committee has barely started looking at the tax exemptions and credits we have now," Mr. Schiller said. "When the General Assembly thinks about giving away tens of millions for new business tax breaks, it should consider whether we have the money to pay for them, and whether the funds would be better spent educating young Ohioans, cutting our high infant-mortality rate, or fighting the opioid epidemic."

Supreme Court Keeps In Place Rulings On Transfer Agreement, Autopsies

The Ohio Supreme Court on Wednesday denied several motions for reconsideration, including in two high-profile cases involving abortion and public records.

In one case, the court declined to reconsider its February ruling that found the Department of Health was justified in revoking the operating license of a Toledo abortion clinic for lack of a written transfer agreement with a "local" hospital.

In the ruling, the court found that Capital Care Network of Toledo violated state administrative code by inking a written transfer agreement with an Ann Arbor hospital, which the ODH deemed to not be local. (See Gongwer Ohio Report, February 6, 2018)

Ohio Right to Life President Mike Gonidakis called on the state to revoke the license of Toledo's only abortion clinic.

"Capital Care Network owes an enormous fine of \$40,000 to the state of Ohio, based upon repeated violations of state law," he said. "The original Ohio Department of Health order remains in effect and in order to reopen, this abortion facility must reapply for a license and pay its fine before aborting anymore children."

However, in a statement of its own NARAL Pro-Choice Ohio called on the ODH to immediately reinstate the license for the clinic.

"This morning, a woman in Toledo woke up with the knowledge that she needed an abortion," Executive Director Kellie Copeland said. "There is a clinic in her community that can offer her safe and professional care. That clinic has met all state requirements to provide abortion services. John Kasich and Mike DeWine are standing in between that woman and this clinic, and they are violating her rights as they do so."

Shortly after the court's original decision, the clinic lined up a last-minute transfer agreement with ProMedica.

The court also declined to reconsider its December decision in which it ruled against two newspapers that sought to compel the release of the final, un-redacted autopsy reports of eight individuals murdered in a single night in April 2016 in a Pike County case that is still unsolved.

The divided court in a 4-3 decision found the records requested by the *Cincinnati Enquirer* and the *Columbus Dispatch* fall under the confidential law enforcement investigatory records exemption. (See Gongwer Ohio Report, December 14, 2017)

The newspapers had argued that under the law final autopsy reports do not qualify for the CLEIR exemption because a coroner is not a law enforcement official.

Justice Terrence O'Donnell and Justice Sharon Kennedy dissented with the ruling on the motion to reconsider.

In a less high-profile case, the court also declined to reconsider its decision not to accept jurisdiction in a case in which a commercial fishing operation alleged that the state's administrative code defining Lake Erie yellow perch management units is unconstitutionally vague. (See Gongwer Ohio Report, July 14, 2017)

High Court Clarifies Appellate Review Of Arbitration Appeals

When an appellate court reviews a lower court ruling on an arbitration decision it should conduct an independent review of the legal claims made on appeal, the Ohio Supreme Court ruled Wednesday.

In a unanimous decision authored by Justice Terrence O'Donnell, the high court determined appellate courts should accept findings of fact by trial courts that are not clearly made in error while reviewing the legal questions raised on appeal.

"When reviewing a trial court's decision to confirm, modify, vacate, or correct an arbitration award, an appellate court should accept findings of fact that are not clearly erroneous but should review questions of law de novo," Justice O'Donnell ruled.

The case stems from a dispute between the Portage County Board of Developmental Disabilities and one of its employees, the high court reported.

Patricia Byttner was hired to serve as an account clerk for the board with the understanding she would fill the role of a bus driver or bus aide in emergency situations.

After her hiring, Ms. Byttner refused a bus aide assignment, citing a pending knee surgery.

Two months later, the board amended her job description, leading to the union representing her to file a grievance. An arbitrator sided with Ms. Byttner and the union.

The board then successfully asked the Portage County Court of Common Pleas to vacate the ruling.

The union challenged the trial court decision at the Eleventh District Court of Appeals, which reinstated the arbitrator's decision.

However, the decision conflicted with other appellate court rulings, leading the case to the high court.

"In conformity with our resolution of the certified question, we recognize that the court of appeals conducted a proper de novo review of the trial court's decision in this case vacating the arbitration award, reversed its decision, reinstated the arbitration award, and therefore we affirm its judgment," Justice O'Donnell wrote for the court.

In his decision, Justice O'Donnell noted that nine of the state's appellate courts applied a de novo review while three applied an "abuse of discretion" review.

Tenth District Court of Appeals Judge Lisa Sadler sat in on the case for former Justice Bill O'Neill.

Cordray Campaign Pledges To Protect, Expand Veterans Benefits

Lieutenant governor candidate Betty Sutton on Wednesday unveiled her campaign's plan to safeguard health care benefits and create new employment protections for the state's servicemembers and veterans.

Ms. Sutton, the Democratic running mate of Rich Cordray, and former gubernatorial candidate Connie Pillich unveiled the campaign's policies regarding members of the armed forces at a press conference at the Statehouse Veterans Plaza.

The former congresswoman said the state has not done enough to support the men and women who are serving or have served in the military. She said enhancing services for veterans and better connecting them with existing resources would be a "top priority" in Cordray's administration.

"Too often our respect and admiration simply hasn't been matched by tangible action to help our veterans and servicemembers," she said.

The campaign's plan calls for the state to better fund county veterans services commissions to help them assist veterans making medical claims, offer incentives for employees who hire veterans with mild traumatic brain injuries, and protect the state's expansion of Medicaid for veterans who do not qualify for VA benefits.

Ms. Pillich, the head of the campaign's veterans policy team, said the "No. 1 concern" among veterans she has talked to throughout the state is health care. She said the Cordray campaign's plan would safeguard and expand important resources for servicemembers.

"Ohio veterans need much more than a specialty license plate," she said.

The former Ohio House member and U.S. Air Force veteran said the campaign also is proposing to include a box for veterans to check on state tax returns to allow the governor's office to identify them and connect them with available resources.

The plan also suggests the state protect the jobs of Army National Guard members who have been activated and allow spouses who lose their jobs because of a servicemember's transfer to collect unemployment benefits.

Ms. Sutton said she and her running mate also would make it a priority to take combat "predatory lenders" who target veterans.

"I can think of no leader with stronger credentials to do that than Rich Cordray," she said, citing her running mate's tenure as head of the Consumer Financial Protection Bureau.

Ms. Sutton, who previously served on the U.S. House Armed Services Committee, also pointed to Mr. Cordray's work on a successful 2009 ballot issue to authorize bonuses for veterans of conflicts in Afghanistan, Iraq and the Persian Gulf as evidence of his support for servicemembers.

"We owe veterans an enormous debt of gratitude, but our gratitude must be matched by tangible action by state government to improve the lives of veterans, servicemembers and military families," Mr. Cordray said in a statement. "Betty and I will fight every day in office to honor those who have served and provide them with the support they need to thrive in Ohio."

Obhof OK With Legislative Look At E-School Enrollment Rules; OSU Joins Anti-Poverty Effort; Portman Bill Targets Tech Teacher Training; Auditor Issues Bus Study...

Senate President Larry Obhof on Wednesday said setting standards for verifying e-school enrollment falls within the legislature's purview after a whistleblower's claims thrust a shuttered charter school back into the spotlight.

The chamber leader said after a nonvoting session that the body "should take a look" at how the state measures enrollment and funds such schools rather than fully deferring to ODE.

"When the legislature's able to do things or has the responsibility for doing things, it should be the legislature, not an administrative agency, that does that," he said.

The Associated Press first reported an employee of the Electronic Classroom of Tomorrow told Department of Education officials last year that the school demanded workers manipulate attendance figures after the state moved to recoup \$60 million in

payments. Within hours, the former employee's claim became an issue among candidates for attorney general and auditor. (See Gongwer Ohio Report, April 24, 2018)

Despite backing an examination of the issue by the legislature, Sen. Obhof (R-Medina) said he does not support "micromanaging all of the fine-tuned details" of the state's enrollment-verification process.

A bill (HB 611) sponsored by Rep. Keith Faber (R-Celina) and Rep. Kristina Roegner (R-Hudson) that would tie state payments to e-schools to the use of verifiable software that tracks attendance, class size and participation was introduced last week in the House.

Alliance for the American Dream: Ohio State University has received a \$1.5 grant after a philanthropic organization selected the school to participate in an effort aimed at bolstering the middle class.

Schmidt Futures, a group founded by former Alphabet Executive Chairman Eric Schmidt, announced this week it added OSU to its Alliance for the American Dream. The effort seeks to increase economic opportunities for working Americans and reduce poverty.

"We are delighted to announce that Ohio State will act as an inaugural partner in the Alliance for the American Dream," Mr. Schmidt said in a statement. "When I was in Columbus last December, I saw firsthand the energy and vibrancy of the campus and region. Columbus is a perfect place to find great, fresh ideas. We are delighted to support them as they fuel an innovation engine to help distressed communities and expand the middle class."

As part of the collaborative project, OSU will receive \$1.5 million in funding to engage business, community and government leaders in "in a robust brainstorming process," according to a news release from the school.

"As a modern land-grant university, Ohio State is committed to expanding opportunity, unlocking talent and increasing economic vitality," OSU President Michael V. Drake said in a statement. "We are absolutely thrilled to join the Alliance and to partner with individuals and communities on this important and timely endeavor. It's 'The Columbus Way' in action."

Teacher training bill: U.S. Senator Rob Portman announced the introduction of a bill aimed at establishing a grant program to support training for career and technical education teachers

"Quality CTE teachers play a key role in expanding access to high quality programs and making sure more students and parents recognize the value of a CTE education - all of which helps lead to more and better job opportunities for students," Sen. Portman said in a statement. "I'm proud to introduce this bipartisan bill to ensure that we have better prepared teachers for this generation and generations to come."

The Creating Quality Technical Educators Act would provide funding for one-year residencies at schools for potential career and technical educators.

Sen. Portman (R-Terrace Park) is co-chairman of the Career and Technical Education Caucus with Sen. Tammy Baldwin (D-WI) and Sen. Tim Kaine (D-VA). The co-chairs introduced the legislation alongside Sen. Shelley Moore Capito (R-WV).

The Alliance for Excellent Education, the American Federation of Teachers and the Association for Career and Technical Education have expressed support for the measure.

Feasibility study: Belmont County school districts could save money by combining their efforts to maintain school buses, according to a study called the "first of its kind" by the state auditor's office.

The Bellaire Local School District, the Bridgeport Exempted Village School District, the Shadyside Local School District and the St. Clairsville-Richland City School District requested the state perform the study after seeing the number of bus riders decrease in recent years.

The study found the districts could operate more efficiently and save money by combining some maintenance efforts. Legislation (HB5) that took effect in 2016 gave the auditor's office the power to study the feasibility of potential efforts to share services among local governments.

"Ohio has thousands of local government entities, which has the advantage of keeping government close to the people, but the drawback is duplication of effort," State Auditor Dave Yost said in a statement. "Sharing services can keep government close to the people while reducing redundant administration, facilities and equipment. This saves money and improves efficiency for taxpayers. It also is a way to continue providing an adequate level of service even if costs rise or budgets shrink."

Space Embarks On Tour To Highlight Corruption; Cordray Launches New Ad; Yuko Gets SEIU Backing...

Zack Space announced that he is embarking on a two-day, five-city tour detailing the "corrupt culture on Capitol Square."

The state auditor hopeful in a statement cited the Electronic Classroom of Tomorrow scandal and the resignation of former Speaker Cliff Rosenberger as examples of the "the pervasive culture of corruption."

"We must take state government back from the self-interested incumbents and campaign contributors who put their special interests above the needs of ordinary Ohioans," he said in a statement. "That's why I am calling for a wide-ranging criminal investigation into ECOT and for the politicians who aided and abetted this scam to

donate every cent of campaign contributions received from ECOT founder Bill Lager and his associates to charities supporting Ohio public schools."

The tour included Wednesday stops in Youngstown and Steubenville and will head to events in Dayton, Toledo and Lima on Thursday.

New Ad: Democrat Richard Cordray is up with his second television ad in his gubernatorial campaign.

In "Save," the former director of the Consumer Financial Protection Bureau touts his record of protecting consumers.

"As treasurer, Cordray safeguarded your tax dollars. As attorney general he recovered \$2 billion that Wall Street stole," the narrator says in the 30-second spot. "That's why President Obama chose him to be our nation's top consumer watchdog."

SEIU Backing: Senate Minority Leader Kenny Yuko, who faces a primary challenge from Rep. John Barnes (D-Cleveland), announced on Wednesday the Service Employees International Union District 1199 WV/KY/OH is backing his candidacy.

In announcing the endorsement Anthony Caldwell, director of public affairs, in a statement cited the Richmond Heights Democrat's three-decade career as a union organizer.

"Yuko's career as a 30-year union organizer reinforces and guides his principles to support the people of his district and determination to help those who are most vulnerable. He wants families in the 25th Senate District and across Ohio to earn fair wages, a quality public education, and access to healthcare coverage," he said.

Union Endorsement: Franklin County Recorder Danny O'Connor picked up another endorsement in his bid for the Democratic nomination in the 12th Congressional District.

The Communications Workers of America Local 4502 announced Wednesday that it is backing his candidacy. President David McCune in a statement said Mr. O'Connor will fight to protect working families.

"Danny has a passion for issues that affect hard working men and women such as creating economic opportunity and jobs for Ohio, improving our education system, and safeguarding our voting rights and the commitment to work for families," he said.

Farm Bill: The Ohio Farmers Union announced Wednesday its opposition to the U.S. House's version of the farm bill.

President Joe Logan said the proposal "turned a blind eye toward the urgent needs of farmers for a strong safety net" and "to the nutrition needs of America's least fortunate in both rural and urban communities."

"The Congress and administration have clearly demonstrated a willingness to explode the federal budget deficit by giving a \$1.5 trillion tax cut to wealthy corporations and individuals," he added. "When rural America asks for a far more modest budget request, they can't manage to find a way to lend a hand."

BWC Rebate: In the wake of the Bureau of Workers' Compensation's announcement that it is issuing an employer premium rebate to the tune of \$1.5 billion, the Ohio Association of Justice is questioning a challenge to an appellate court ruling that found some "scheduled loss awards" should be paid in lump sums.

BWC was paying those awards to workers who suffer amputations or loss of use due to industrial injuries on a biweekly basis.

"It is time to ask, when did the Ohio workers' compensation system stop being about injured workers?" John Van Doorn, government affairs director, said in a release. "We are all in favor of job creation in this state, but let's share some of the BWC's financial surplus with the injured workers who the system was constitutionally created to protect."

Advocate Seeks KY Seat: Longtime Ohio Statehouse fixture Col Owens is looking to enter the other side of the legislative political realm - just in another state.

Mr. Owens, who served for 30 years as senior attorney for the Legal Aid Society of Southwest Ohio and was involved in Advocates for Ohio's Future and other groups backing health and human services funding, is running as a Democrat in Kentucky's 69th House District.

The lifelong Kentucky resident's candidacy is the subject of a fundraiser next month at the home of former Ohio Rep. Ted Celeste and wife Bobbie, 1230 Oakland Ave. in Grandview Heights.

Those interested in attending or seeking more information on the event, set for 5:30-7 p.m. May 10, should RSVP to Cathy Levine at cathyjlevine@gmail.com or 614-313-7478.

Sign Up For Gongwer Text Alerts

Gongwer News Service subscribers can now receive bill tracking alerts, breaking news updates and other key Gongwer products via text message.

To activate text alerts, subscribers should log in to their accounts, click on their name in the banner and select Update Profile. Next, enter your mobile number and carrier, and select the alerts and messages you want to receive via text. Once your preferences have been set, click the Update button at the bottom of the box.

The system allows subscribers to request text notifications regarding the publication of the Gongwer *Ohio Report*, breaking news updates, media clips and legislative floor

reports. Subscribers can also request real-time bill tracking alerts or a daily summary of activities on all bills that are being tracked.

Alert preferences can be changed at any time.

Due to limitations on the size of text messages, all text-based alerts will include a summary of the message received and a link to the full content of the message.

The new services are available to subscribers at no additional cost.

All Gongwer accounts include access to the leading bill tracking system that offers real-time alerts on legislation of interest. Subscribers can track by bill number, keyword, sponsor and Revised Code section and can also receive alerts based on legislative activity, committee scheduling and subject area. All bill tracking features, which include customizable bill status reports that can be shared with members and clients, are available on Gongwer's Bill Tracking page.

For questions about Gongwer bill tracking services, contact Gongwer at gongwer@gongwer-oh.com or 614.221.1992.

Governor's Appointments

Columbus State Community College Board of Trustees: Rick Ritzler of Galena (Delaware Co.) has been appointed to the for a term beginning April 25, 2018, and ending August 31, 2023.

Waterways Safety Council: Amy Dingle of Dayton (Montgomery Co.) has been appointed to the for a term beginning April 25, 2018, and ending January 30, 2021.

Supplemental Agency Calendar

Friday, April 27

STEM Designation Committee, 25 S. Front St., Columbus, 9:30 a.m.

Wednesday, May 9

Veterinary Medical Licensing Board, Rm. 1914, 77 S. High St., Columbus, 8:30 a.m.

17 S. High St., Suite 630

Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Mike Livingston, Dustin Ensinger, Jon Reed, Tom Gallick, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

© 2018, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.



Daily Activity Planner for Thursday, April 26

Legislative Committees

No legislative committees scheduled.

Agency Calendar

BWC Board of Directors, 30 W. Spring St., Room 3 on Level 2, Columbus, 8 a.m.
Facilities Construction Commission, Rm. 121, Statehouse, Columbus, 1:30 p.m.

Event Planner

Deadline to file pre-primary campaign finance reports

Rep. Glenn Holmes (D-McDonald) fundraiser, Vernon's Italian Ristorante, 720 Youngstown-Warren Road, Niles, 5 p.m., (Event Sponsor \$1500, Supporter \$1000, Friend \$500, Table Sponsor \$300, Individual \$60 to Committee to Elect Glenn Holmes)

Rep. Nathan Manning (R-N. Ridgeville) fundraiser, Berry's Restaurant, 15 W. Main Street, Norwalk, 5 p.m., (Sponsor: \$250 to Nathan Manning for Ohio)

Rep. Anne Gonzales (R-Westerville) fundraiser, Aloft Columbus Westerville, 32 Heatherdown Drive, Westerville, 5:30 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$250 to Citizens for Anne Gonzales)

Rep. Hearcel Craig (D-Columbus) fundraiser, The Lincoln Caf 740 E. Long St., Columbus, 5:30 p.m., (\$250, \$100, \$50, \$25 to Friends of Hearcel F. Craig)

17 S. High St., Suite 630
Columbus Ohio 43215
Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Mike Livingston, Dustin Ensinger, Jon Reed, Tom Gallick, Staff Writers

  2018, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.

From: Public Policy Law360
Sent: Wednesday, May 2, 2018 5:00 AM
To: Rep48
Subject: White House Delay Fuels Industry Unrest Over Metal Tariffs



Is Life As A Lawyer Making You Happy?

Take Law360's Anonymous Satisfaction Survey

Wednesday, May 2, 2018



TOP NEWS

White House Delay Fuels Industry Unrest Over Metal Tariffs

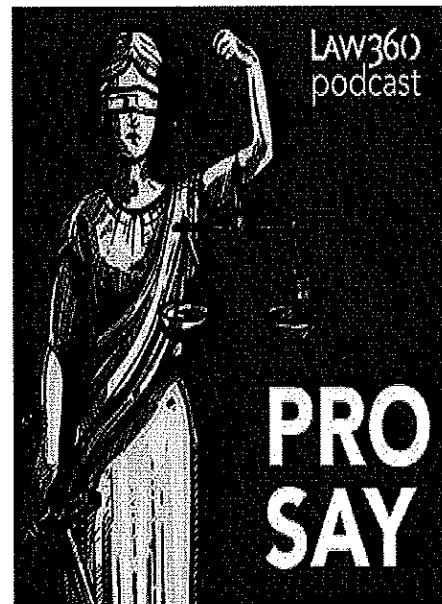
President Donald Trump's decision to hold off on imposing steel and aluminum tariffs on close U.S. allies late on Monday did little to ease the concerns of the various businesses that may be afflicted by the duties. [Read more »](#)

DOJ Arrests Migrants It Suspects Are Part Of 'Caravan'

The U.S. Department of Justice on Monday filed criminal charges against 11 individuals it suspects entered the United States in late April without authorization, contending that they are members of a "caravan" of migrants traveling from Central America to enter the country. [Read more »](#)

DOJ Will Not Be 'Extorted,' Rosenstein Says

Following reports that Republican lawmakers have drafted articles of impeachment against



[Listen to our new podcast here](#)

LAW FIRMS

Alston & Bird

Baker McKenzie

Cadwalader Wickersham

him, Deputy Attorney General Rod J. Rosenstein, the overseer of special counsel Robert Mueller's ongoing probe into Russian interference in the 2016 election, declared Tuesday that the U.S. Department of Justice "is not going to be extorted." [Read more »](#)

2nd Circ. Axes Rights Challenge To NYC Uber, Lyft Regs

The Second Circuit ruled Tuesday that New York City properly justified crafting different regulations for for-hire vehicles like Uber and Lyft, rejecting a suit alleging the uneven set of rules deprived medallion taxicabs of their equal protection and due process rights. [Read more »](#)

Water Groups Lose Bid To Halt Salmon Protection Measures

A California federal judge refused to halt or tweak an order meant to help protect a population of a threatened salmon species in the Klamath River, rejecting an argument by water groups that new evidence shows the protective measures are unnecessary in 2018. [Read more »](#)

Sen. Calls For Probe Of Proposed T-Mobile-Sprint Merger

Lawmakers must probe whether T-Mobile US Inc. and Sprint Corp.'s proposed \$59 billion merger will lift pressure on mobile carriers to offer wireless services at affordable rates, according to a prominent Democrat on the Senate committee that oversees communications regulatory matters. [Read more »](#)

BANKING & SECURITIES

State Bank Regulators' Suit Over OCC Fintech Charter Tossed

A D.C. federal judge on Monday threw out a state bank regulator group's challenge to the Office of the Comptroller of the Currency's proposed special purpose charter for financial

Cleary Gottlieb
Clyde Snow
Davis Graham
Davis Polk
Day Pitney
Earthjustice
Einhorn Harris
Fish & Richardson
Fredericks Peebles
Fried Frank
Greenberg Traurig
Hogan Lovells
Holland & Hart
Holland & Knight
Kirkland & Ellis
Littler Mendelson
Manatt Phelps
McDermott Will
Morrison & Foerster
Motley Rice
Murphy & McGonigle
Native American Rights Fund
Paul Hastings
Paul Weiss
Richards Kibbe
Riley Safer
Schiff Hardin
Simpson Thacher
Skadden
Somach Simmons
Sonosky Chambers
Taft Stettinius
Wanger Jones
Western Environmental Law
Center
WilmerHale

COMPANIES
AT&T Inc.

technology firms, ruling that it's too soon to be suing over a charter that hasn't been issued yet. [Read more »](#)

Ex-WilmerHale Atty To Lead SEC's International Affairs Office

The U.S. Securities and Exchange Commission has tapped a former WilmerHale attorney, who joined the agency in 2011, to head its Office of International Affairs after current director Paul Leder steps down in June, the SEC said in a statement Tuesday. [Read more »](#)

ENERGY & ENVIRONMENTAL

Analysis

Calif. Fires First Shot In EPA Fuel Economy Rollback Fight

With 16 other states at its side, California on Tuesday urged the D.C. Circuit to overturn the U.S. Environmental Protection Agency's decision to revisit Obama-era greenhouse gas vehicle emission standards in what attorneys say is the opening salvo in a potentially lengthy, bitter war between states and the Trump administration over the future regulation of auto emissions. [Read more »](#)

EPA, Corps Lose Bid To Delay Restart Of Water Rule Row

A federal judge on Tuesday upheld a magistrate judge's ruling resuming a lawsuit in which a North Dakota-led coalition of states is challenging a controversial Obama-era rule defining the Clean Water Act's reach, rejecting the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers' arguments in favor of halting the case for another year. [Read more »](#)

Pa. House Panel OKs Rework Of Conventional Gas Well Rules

In the ongoing fight over how best to regulate natural gas drilling in Pennsylvania, a state legislative committee on Monday gave

American Bankers Association
American Bar Association
American Civil Liberties Union
American College of Emergency Physicians
American Medical Association Inc.
Arizona Chamber of Commerce
Associated Press
Cable News Network Inc.
Cable-Satellite Public Affairs Network
Center for American Progress
Clean Air Task Force
Conference of State Bank Supervisors
Equifax Inc.
Exterro Inc.
Google Inc.
International Business Machines Corporation
Lambda Legal Defense & Educational Fund
LinkedIn Corp.
Lyft Inc.
Major Lindsey & Africa
Make the Road New York
MasterCard Incorporated
Microsoft Corporation
Moody's Corporation
Morgan Stanley
NBCUniversal Inc.
National Immigration Law Center
Natural Resources Defense Council
Navient Corp.
Nestle
New York Times Co.
Oracle Corp.
Sharp Corp.

preliminary approval to a bill that would bar so-called conventional wells from facing the sorts of regulations designed for hydraulically fractured wells. Read more »

Utah County Says Cropping Bears Ears Is An Economic Boon

The Utah county that includes Bears Ears National Monument asked a D.C. federal court Tuesday to allow it to intervene in consolidated suits challenging President Donald Trump's proclamation shrinking the monument's borders, saying the county's economy could be harmed if the challenges are successful and the reduction is overturned. Read more »

Delayed Parts Of Obama-Era Methane Rule Won't Be Resumed

A Wyoming federal judge on Monday declined to suspend his earlier decision to delay the implementation of certain parts of an Obama-era rule restricting methane emissions from natural gas wells on public and tribal lands while environmental groups and states appealed the delay, finding that the status quo should be maintained. Read more »

TRANSPORTATION & INFRASTRUCTURE

FAA Expands Automated Drone Flight Authorization System

The Federal Aviation Administration has begun to expand its nascent automated airspace authorization system for drones, it announced Monday, saying it has launched a new "beta test" that will roll out the system to nearly 300 additional air traffic facilities across the U.S. over the next few months. Read more »

INSURANCE

Calif. Regulator OKs First Policy For Pot Biz Landlords

California's insurance regulator said Tuesday he has approved a first-of-its-kind insurance

Sports Authority Inc.
Sprint Nextel Corporation
T-Mobile USA Inc.
Tax Foundation
The University of Alabama System
Twitter Inc.
Uber Technologies Inc.
Universal Service Administrative Co.
Washington Post Co.

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Citizenship and Immigration Services
Bureau of Economic Analysis
Bureau of Land Management
Bureau of Reclamation
Consumer Financial Protection Bureau
European Commission
European Union
Executive Office of the President
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Reserve System
Federal Trade Commission
Government Accountability Office
Hoopa Valley Tribe
Hopi Tribe
House of Lords of the United Kingdom
Internal Revenue Service
National Highway Traffic Safety Administration
National Marine Fisheries Service
Navajo Nation

policy tailored to the risks faced by landlords who rent properties to legal marijuana businesses. [Read more »](#)

EMPLOYMENT

Employers Vexed As States Shift On Equal Pay, Leave

Many employers continue to struggle with a rapidly changing patchwork of state and local workplace laws that includes measures aimed at closing pay gaps between men and women and guaranteeing workers paid sick leave, according to an annual survey of businesses released Wednesday by Littler Mendelson PC. [Read more »](#)

IRS, Labor Dept. Keep Rules On Health Insurers' ACA Burden

There will be no change to the rules by which health insurers cover medical costs associated with out-of-network emergency services for nongrandfathered Affordable Care Act plans, the Internal Revenue Service and other federal agencies said in guidance released Tuesday. [Read more »](#)

COMPETITION

New FTC Chairman Sworn In As Agency Refills Seats

The Federal Trade Commission's new chair was sworn in Tuesday, placing ex-Paul Weiss Rifkind Wharton & Garrison LLP partner Joseph Simons at the head of the competition regulator less than a week after he and four other nominees were confirmed by the Senate. [Read more »](#)

CONSUMER PROTECTION

Senate Dems Want Inquiry Over Mulvaney's Lobbyist Remarks

Sen. Bernie Sanders, I-Vt., and five Senate Democrats on Tuesday called for an investigation into whether Consumer Financial

New York State Department of Financial Services

Office of the Comptroller of the Currency

Pennsylvania Supreme Court

Securities and Exchange Commission

U.S. Army

U.S. Attorney's Office

U.S. Consumer Product Safety Commission

U.S. Customs and Border Protection

U.S. Department of Defense

U.S. Department of Education

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of State

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. House Committee on Energy and Commerce

U.S. Immigration and Customs Enforcement

U.S. Supreme Court

Yurok Tribe

Protection Bureau Acting Director Mick Mulvaney's recent remarks at a bank industry gathering violated a federal law restricting political activity by federal employees. [Read more »](#)

AEROSPACE & DEFENSE

Iran Ordered To Pay \$6.27B To 9/11 Victims' Families

A federal judge in New York ordered Iran to pay certain family members of 9/11 victims some \$6.27 billion as compensation for pain, suffering and mental anguish after the Islamic republic failed to refute allegations that it sponsored al-Qaida and was partly liable for the terrorist attack. [Read more »](#)

Gov't Wants Transgender Ban Injunction Stayed For Appeal

The federal government has urged a Washington federal judge to stay her injunction against President Donald Trump's policy barring many transgender individuals from military service, pending an appeal, saying the U.S. will be irreparably harmed if it cannot begin implementing the ban. [Read more »](#)

Tech Group Urges More Transparency On DOD Cloud Deal

An industry group that represents Google, Microsoft Corp. and dozens of other information technology firms that serve the public sector issued a letter calling for lawmakers to release an upcoming U.S. Department of Defense report on its contentious JEDI cloud procurement and steer the DOD away from its single-source proposal. [Read more »](#)

INTERNATIONAL TRADE

Despite Reprieve, EU Still Irked By US Tariff Drama

The European Commission on Tuesday demanded a permanent exemption from

national security-based steel and aluminum tariffs that U.S. President Donald Trump temporarily held back from implementing on the European Union and other allies late Monday in light of ongoing negotiations while at the same time granting other allies a permanent reprieve. [Read more »](#)

TAX

Analysis

Increased Gov't Borrowing For Tax Cuts May Be Precarious

The government's first official gross domestic product estimates in the wake of extensive tax cuts indicate a healthy economy, but the Treasury Department's record borrowing of \$488 billion this year could result in long-term pain for Americans as they come down from the sugar high of a one-time tax boost. [Read more »](#)

Minn. GOP Moves Toward Tax Plans To Bring To Gov.

Minnesota Republicans are getting closer to forming a tax plan they can use to negotiate with Democratic Gov. Mark Dayton, with the Senate releasing its plan Tuesday and the House passing one Monday. [Read more »](#)

Soda Tax Preemption Bill Clears Pa. House Committee

A Pennsylvania legislative committee signed off on a measure Tuesday that would invalidate the city of Philadelphia's controversial tax on sweetened beverages and preempt other municipalities in the state from enacting similar measures. [Read more »](#)

Arizona Group Seeks Tax on Wealthy To Fund Education

As angry Arizona teachers skipped school to march on the state capital for a fourth day Tuesday, their allies and advocates were busy gathering signatures on the sidelines in support of a plan that would raise taxes on the

state's top earners to increase funding for education. [Read more »](#)

IMMIGRATION

7th Circ. Won't Stay Injunction In Sanctuary City Grant Row

The Seventh Circuit will not put a temporary hold on a national injunction barring the U.S. Department of Justice from putting immigration-related conditions on a grant supporting public safety, a panel said Tuesday. [Read more »](#)

Texas, 6 Other States Sue To End DACA

Texas and six other states sued the federal government on Tuesday seeking to end the Deferred Action for Childhood Arrivals program, saying the 2012 executive action that created the program was improper lawmaking by the executive branch. [Read more »](#)

Gov't Can Appeal Role Of Public Statements In DACA Suit

A New York federal judge on Monday granted the Trump administration's request to let an appeals court determine whether the president's campaign trail statements can factor into a case over the proposed rollback of the Deferred Action for Childhood Arrivals program. [Read more »](#)

Gov't Seeks To Shield Info In FOIA Suit Over Haitian Status

The federal government asked a New York federal court to allow it to block the release of information sought by a nonprofit group of lawyers alleging the Trump administration failed to completely respond to its Freedom of Information Act request seeking records related to its November decision to end temporary protected status for Haitian immigrants. [Read more »](#)

Married Couples Seek Cert. In Immigrant Spouse Challenge

Several married couples who allege the government is unlawfully trying to detain and deport immigrant spouses who are seeking permanent residency and are married to U.S. citizens asked Monday that a Massachusetts federal court certify a class and temporarily bar the practice. [Read more »](#)

Immigrant Children Ask Judge to Halt Detention Policy

A proposed class of immigrant children asked a New York federal judge on Monday to vacate a Trump administration release policy that has kept them in prolonged detention and to order officials to promptly reunite them with their families. [Read more »](#)

TELECOMMUNICATIONS

FCC's Universal Service Fund Moved To Treasury

The Universal Service Administrative Co., the nonprofit that administers the Federal Communications Commission's Universal Service Fund, has moved its funds from private banks to the U.S. Treasury, the company announced on Monday. [Read more »](#)

WHITE COLLAR

Manafort Wants Hearing On Leaking, Evidence Tossed

Paul Manafort urged a Virginia federal court Monday to conduct a hearing about who leaked information related to his pending case for bank fraud, also asking the judge to suppress evidence collected from his home and a storage unit because he said the warrants were overbroad. [Read more »](#)

PEOPLE

DOJ Taps New Deputy For Criminal Antitrust Enforcement

The U.S. Department of Justice will name Richard A. Powers, a trial attorney from its criminal division, to serve as the antitrust division's criminal enforcement deputy, a source with knowledge of the matter told Law360 on Tuesday. [Read more »](#)

FTC Names Cadwalader Atty As New Policy Planning Director

The Federal Trade Commission announced a new policy planning chief Monday who rejoins the agency after more than a decade in private practice, coming most recently from Cadwalader Wickersham & Taft LLP. [Read more »](#)

EXPERT ANALYSIS

Series

State Tax After TCJA: Blue States' Deduction Strategies

What do you do when it seems that Washington is out to get you? If you are a lawmaker or governor in New York, California, New Jersey or any of several other blue states that relies on significant income or property taxes to pay your state's bills, you get creative, says Gary Botwinick of Einhorn Harris Ascher Barbarito & Frost PC. [Read more »](#)

The Myth Of Corporate Tax Residence

Numerous commentators have argued that the problem behind the maladies of the current international corporate tax regime is a flawed definition of corporate residence. However, such an assumption is unwarranted as tax residence is an attribute of individuals only, inapplicable to the corporate entity, says David Elkins of Netanya College. [Read more »](#)

After Trump's Policy Purges, Who Speaks For The Victims?

Under President Donald Trump, federal agencies have killed or delayed key

regulations and imposed drastically fewer penalties against corporate wrongdoers — thus enabling cheaters, victimizing consumers and compromising well-behaving companies. It falls to state attorneys general, as well as the private bar — plaintiffs and defense attorneys together — to pick up the slack, says Daniel Karon of Karon LLC. [Read more »](#)

The Rapidly Evolving Medicare Telehealth Landscape

One of the biggest drivers of change in the telehealth industry is the Creating High-Quality Results and Outcomes Necessary to Improve Chronic Care Act, which was part of the recently passed Bipartisan Budget Act. The improvements included in the legislation are just the latest efforts signed into law to modernize telehealth nationwide, says Miranda Franco of Holland & Knight LLP. [Read more »](#)

NJ Real Estate Considerations After Cannabis Legalization

Given New Jersey's unique real estate regulatory regimen, the likelihood of cannabis legalization raises many legal considerations that will impact everything from property taxation to regulation of dispensary outlets, say attorneys with Day Pitney LLP. [Read more »](#)

LEGAL INDUSTRY

BigLaw Beware: Boutiques Are Coming For Your Clients

As a number of prominent partners leave BigLaw and join boutiques — or form their own — some high-paying and sought-after work is being funneled away from the global giants to more modestly sized law firms. [Read more »](#)

In-House Legal Budgets To Expand As Outside Spending Falls

After years of cuts, overall legal spending is on the rise, with nearly half of the law department decision makers who participated in a recent study expecting their total in-house budget to

increase this year and most anticipating their outside investments to drop, according to data released on Tuesday. [Read more »](#)

Schiff Hardin Adopts New Parental Leave Policy

Schiff Hardin LLP said Tuesday it has implemented a new benefits plan for employees that will help them transition into parental leave and return to work by reducing the hours requirement by 20 percent for one month before childbirth and one month after returning to work. [Read more »](#)

Split 11th Circ. Backs 343-Yr Sentence For Trying To Kill Judge

A split Eleventh Circuit panel Tuesday affirmed a federal court's judgment in sentencing a 27-year-old man who tried to kill a Florida federal judge to 343 years imprisonment, with one dissenting judge arguing the man's mental health problems should have set aside a sentencing enhancement. [Read more »](#)

JOBS

[Search full listings](#) or [advertise your job opening](#)

Not sure if your firm subscribes? Ask your librarian.

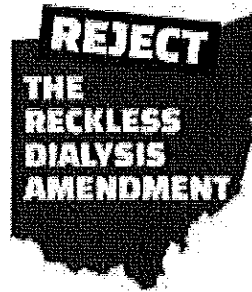
We hope you found this message to be useful.
However, if you'd rather not receive future emails of this sort,
[you may unsubscribe here.](#)

Please DO NOT reply to this email. For customer support inquiries, please call 1-646-783-7100 or visit our [Contact Us](#) page.

Law360 | Portfolio Media, Inc, 111 West 19th Street, 5th Floor, New York, NY 10011

From: Ohioans Against the Reckless Dialysis Amendment
Sent: Tuesday, July 10, 2018 11:39 AM
To: Rep48
Subject: Ohio Kidney Patient, Healthcare Groups Oppose Reckless Dialysis Amendment

[View this email in your browser](#)



Tuesday, July 10, 2018

Ohio Kidney Patient, Healthcare Groups Unite Against Reckless Dialysis Amendment

(COLUMBUS) – Ohioans Against the Reckless Dialysis Amendment, a broad coalition of leading kidney care organizations, nurses, physicians and patient advocates, today announced its opposition to a proposed Constitutional Amendment that threatens to reduce access to Ohio's 326 out-patient dialysis clinics for the 18,000 Ohioans suffering from kidney failure.

Dialysis providers are among the most regulated healthcare provider groups in the country. All out-patient clinics are licensed by the Ohio Department of Health, certified by the federal Centers for Medicare and Medicaid Services (CMS), and highly regulated under current state and federal laws and regulations. Current laws and regulations address, among other things, patient safety; environmental cleanliness; infection prevention and control; emergency preparedness; staff training and continuing education; and water system and equipment maintenance. Clinics must also submit to unannounced quality assessments and inspections by the Ohio Department of Health.

"The proposed amendment was written by a California-based special interest group with no experience in dialysis care and – without any evidence of a problem – would recklessly lock dangerous, arbitrary rules into the Ohio Constitution, threatening access to high-quality care for thousands of Ohioans," said Diane Wish, co-founder and president of the Ohio Renal Association (ORA). "What's worse, the amendment calls for rebates that will end up in the pockets of insurance companies, not patients."

Wish, a registered nurse with more than 40 years of experience in providing dialysis treatment, is joined by other kidney care experts and physicians in opposition to the proposed amendment initiated by the California-based SEIU-UHW West.

"I've seen first-hand the devastating health consequences my dialysis patients face without proper access to care," said Dr. Henry Wehrum, a nephrologist (kidney specialist) with nearly 30 years of experience in the field, who also serves on the board of the Ohio Osteopathic Association (OOA). "The Ohio Constitution is simply not the place for complicated healthcare policy. And because it's written as a Constitutional Amendment, when things go wrong it can only be changed by another Constitutional Amendment – that's not a risk I'm willing to take on behalf of my patients."

Michael Needham, president and CEO of the Kidney Foundation of Ohio (KFO) added, "the Kidney Foundation of Ohio opposes the amendment because it will harm patients, not help them. The Amendment threatens to reduce the number of centers available to Ohioans, which would be especially harmful to vulnerable patients." The Kidney Foundation of Ohio is a patient advocacy group that has been providing a broad-based program of direct assistance to those with kidney disease since 1950.

To date, the organizations opposing the amendment include:

- Academy of Medicine of Cleveland and Northern Ohio
- Chronic Disease Coalition
- Diabetes Dayton
- Dialysis Patient Citizens
- Global Healthy Living Foundation
- Kidney Care Council
- Kidney Care Partners
- Kidney Foundation of Ohio
- National Renal Administrators Association
- Nonprofit Kidney Care Alliance

- Ohio Academy of Nutrition and Dietetics
- Ohio Osteopathic Association
- Ohio Renal Association
- Ohio Sickle Cell and Health Association
- Ohio State Medical Association
- Renal Physicians Association
- Renal Support Network

Based on campaign finance filings, the California-based SEIU is believed to have hired hundreds of paid petition circulators, many from out-of-state, to gather signatures from Ohio voters. On Wednesday, July 4, the group submitted signatures to the Ohio Secretary of State in an attempt to qualify the issue for the November 6 Ohio statewide ballot. The petitions and signatures are now under review by elections officials.

“The SEIU has a long history of abusing the ballot issue process to advance its own political agenda,” said coalition spokesperson Gene Pierce. “That its amendment would actually harm Ohio dialysis patients comes as no surprise to those familiar with the SEIU’s strong-arm tactics.”

Among the proposed Constitutional mandates are provisions directing the Ohio Department of Health to establish arbitrary revenue limits for Ohio clinics and require rebates to private health insurance companies should revenues exceed those arbitrary limits. The amendment excludes Medicare, Medicaid and other government payers — which cover nearly 90 percent of dialysis patients in Ohio — from receiving rebates, leaving only private health insurance companies able to receive them. The amendment does not require insurance companies to pass on any savings to patients.

Coalition members are concerned that arbitrary revenue limits will force some dialysis providers to consolidate operations or close locations, reducing access to critical dialysis care — particularly for patients in rural, urban, and underserved areas.

The non-partisan coalition is planning a statewide campaign to educate Ohio voters on the ballot issue’s dangerous consequences, should the issue be placed on the ballot.

The estimated 18,000 Ohioans suffering from end stage renal disease (ESRD) typically receive life-preserving dialysis treatments in a clinic three times a week, with each visit taking three to four hours. According to national research, missing even one dialysis treatment increases a patient’s risk of death by 30 per cent. Find more information on ESRD in Ohio [here](#).



PAID FOR BY OHIOANS AGAINST THE RECKLESS DIALYSIS AMENDMENT

Our mailing address is:

100 S. Third Street, Columbus, OH 43215

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#).

From: Public Policy Law360
Sent: Friday, June 29, 2018 5:13 AM
To: Rep48
Subject: Roberts Becomes True Power As 'Kennedy Court' Ends



Friday, June 29, 2018



KENNEDY RETIRES

Analysis

Roberts Becomes True Power As 'Kennedy Court' Ends

The retirement of Justice Anthony Kennedy means that Chief Justice John Roberts is now the U.S. Supreme Court's most important member not just in title but also in reality, empowering him to advance a muscular conservative agenda and perhaps broker deals with outgunned liberals. [Read more »](#)

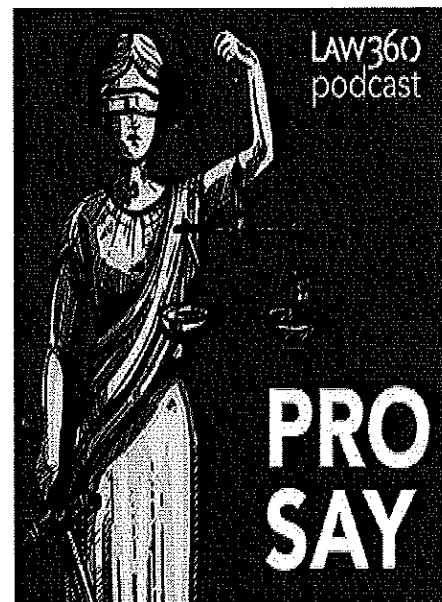
Delay On Kennedy Replacement 'Ain't Going To Happen': GOP

High-ranking Republicans on the Senate Judiciary Committee stood firm Thursday on keeping Majority Leader Mitch McConnell's promise to vote this fall on a replacement for retiring U.S. Supreme Court Justice Anthony Kennedy, with one saying Democrats' calls to wait until after the November midterms "ain't going to happen." [Read more »](#)

Analysis

Why The Defense Bar Celebrates Kennedy

Associate Justice Anthony Kennedy spent his three decades on the high court making a name for himself as a champion of individual freedoms, but he also authored the majority opinion in *Ashcroft v. Iqbal* that changed



[Listen to our new podcast here](#)

LAW FIRMS

Abrams Fensterman
Ahmad Zavitsanos
Akerman
Allen & Overy
Altshuler Berzon
Anthony Kennedy PC
Arnold & Porter
Baker McKenzie

corporate litigation so much, it is cited in nearly every dismissal bid and has become the bane of the plaintiffs bar. [Read more »](#)

Analysis

Post-Kennedy Court Likely To Take Narrow View Of Title VII

A circuit split on whether Title VII's ban on workplace sex discrimination includes bias based on sexual orientation had civil rights advocates hoping the U.S. Supreme Court would eventually declare that federal law protects gay workers, but Justice Anthony Kennedy's retirement means that's a long shot, experts say. [Read more »](#)

Analysis

Kennedy's Exit Puts Climate Change Regulations On Thin Ice

The retirement of U.S. Supreme Court Justice Anthony Kennedy throws the future of federal climate change action into doubt, as experts say a more conservative high court could not only undo or neuter its landmark decision that greenhouse gases are pollutants, but also scuttle legal challenges of governmental decisions to regulate climate change and other environmental hazards. [Read more »](#)

Analysis

Kennedy Known For Careful Scrutiny Of Statutory Language

Retiring Supreme Court Justice Anthony Kennedy is known — and will be missed — for his meticulous scrutiny of the language of the law, a characteristic that can be found in abundance in a 2008 majority opinion written by Kennedy that placed limits on who could be held liable in securities fraud class action cases, legal experts said Thursday. [Read more »](#)

TOP NEWS

Analysis

Presidential Power Key In Masterpiece, Travel Ban Divergence

Ballard Spahr
Bilzin Sumberg
Blank Rome
Brown Rudnick
Bryan Cave
Buchanan Ingersoll
Buckley Sandler
Cadwalader Wickersham
Carlton Fields
Clark Hill
Cleary Gottlieb
Clyde & Co
Cooley
Cotchett Pitre
Covington & Burling
Cozen O'Connor
Cravath Swaine
Crowell & Moring
Davis Wright Tremaine
Dentons
Dorsey & Whitney
Earthjustice
Eckert Seamans
Eversheds Sutherland
Faegre Baker
Fenwick & West
Fisch Sigler
Fish & Richardson
Foley & Lardner
Foley Hoag
Fried Frank
Gibson Dunn
Greenberg Traurig
Haller & Colvin
Haynes and Boone
Hochman Salkin
Hogan Lovells
Hueston Hennigan

Cases at the U.S. Supreme Court this term over President Donald Trump's travel ban and a baker's refusal to make a wedding cake for a gay couple involved strikingly similar claims related to religious-based animus, but ultimately diverged because the justices chose not to second-guess the president's motives, constitutional scholars said. [Read more »](#)

Analysis

Nixing Trump's Favorite Trade Weapon Looks Like Long Shot

A new challenge to the expansive Cold War-era law President Donald Trump has used to slap tariffs on steel and aluminum imports will face a steep uphill climb, legal experts say, as the case will have to overcome nearly a century's worth of precedent on the constitutional separation of powers. [Read more »](#)

Senate Panel Punts On 3rd, 11th Circ. Picks Over Tariffs

The Senate Judiciary Committee advanced several district court picks on Thursday, even as Sen. Jeff Flake, R-Ariz., has continued to stonewall advancing nominees for the Third and Eleventh circuits until the chamber votes on a tariff measure. [Read more »](#)

Senate Passes Farm Bill, Sets Up Clash With House

The U.S. Senate passed a five-year overhaul and reauthorization of farm subsidy and nutrition support programs Thursday, setting up a clash with the House over work requirements for the food stamp program. [Read more »](#)

BANKING & SECURITIES

Deutsche Bank Unit Comes Up Short In Fed Stress Tests

The Federal Reserve Board said Thursday that Deutsche Bank Trust Corp.'s U.S. subsidiary has flunked the latest round of annual stress

Hughes Hubbard
Hunton Andrews Kurth
Jackson Lewis
Jenner & Block
Kasowitz Benson
Katten Muchin
Kelley Drye
Kellogg Hansen
Kelly Hart
King & Spalding
Kirkland & Ellis
Kramer Levin
Latham & Watkins
Littler Mendelson
Lowenstein Sandler
Manatt Phelps
Mayer Brown
McDermott Will
Milbank Tweed
Miller Canfield
Morgan Lewis
Morris Manning
Morrison & Foerster
Munger Tolles
Patterson Belknap
Paul Hastings
Paul Weiss
Perkins Coie
Polsinelli
Quinn Emanuel
Reed Smith
Robins Kaplan
Rosette LLP
Sanford Heisler
Scali Rasmussen
Sedgwick LLP
Seyfarth Shaw
Sidley Austin

testing over "material weaknesses" in its capital planning practices, while The Goldman Sachs Group Inc. and Morgan Stanley will have to keep buybacks and dividends steady because of side effects from last year's tax legislation. [Read more »](#)

ENERGY & ENVIRONMENTAL

FERC Commissioner Powelson To Step Down In August

Federal Energy Regulatory Commissioner Robert Powelson said Thursday he will step down in August, creating an even partisan split at the commission as it tackles weighty issues such as a pipeline policy revision and a potential U.S. Department of Energy bailout of coal and nuclear power plants. [Read more »](#)

Agencies Fight Tribes' Bid To Force Higher Lake Water Levels

Several federal agencies on Wednesday urged a California federal judge to reject the Klamath Tribes' request to immediately make the government maintain certain water levels in the Upper Klamath Lake for the protection of two fish species, arguing that the tribes are unlikely to win the case. [Read more »](#)

NJ Town Joins Growing Resistance To Plastic Bags

Jersey City, New Jersey, enacted an environmentally friendly ordinance Thursday banning merchants from using carryout bags made of plastic, following the lead of other Garden State towns that have identical laws in place and state lawmakers who want to curb the use of nonrecyclable takeout containers. [Read more »](#)

IP & TECHNOLOGY

Senate Panel Advances Bill To Overhaul Music Licensing

The Senate Judiciary Committee moved forward Thursday with a bill that would

Sills Cummis
Simpson Thacher
Skadden
Somach Simmons
Stroock & Stroock
Thompson & Knight
Vinson & Elkins
Weil Gotshal
Wiley Rein
Williams & Connolly
Willkie Farr
WilmerHale

COMPANIES

AT&T Inc.
Airbnb Inc.
Amazon.com Inc.
American Cable Association
American Civil Liberties Union
American Electric Power Co. Inc.
American Express Company
American Federation of
Government Employees
American Federation of Labor and
Congress of Industrial
Organizations
American Federation of State,
County and Municipal Employees
American Federation of Teachers
Ansell Limited
Apple Inc.
Business Roundtable
Charter Communications Inc.
Chevron Corp.
Comcast Corporation
Concho Resources Inc.
Deutsche Bank AG
Dominion Energy Inc.
EQT Corp.
Facebook

overhaul how Spotify and other online music services pay royalties, as well as how license holders for pre-1972 hits are compensated. [Read more »](#)

MEDIA & ENTERTAINMENT

Pa. Casinos Threaten To Sue Over Slot-Style Lottery Games

The operators of Pennsylvania's casinos are threatening a lawsuit over new online lottery offerings from the state that they say violate recently adopted gambling laws by improperly replicating casino-style games. [Read more »](#)

REAL ESTATE

NJ City Accused Of Anti-Trump Bias In Kushner Project Fight

Jersey City has been slammed with a New Jersey federal lawsuit alleging municipal officials have attempted to drive out the real estate development firm owned by the family of White House senior adviser Jared Kushner as a partner in a redevelopment project because of the mayor's "political animus" toward Republican President Donald Trump. [Read more »](#)

EMPLOYMENT

4 Post-Janus Developments You Need To Know

Although the ink is barely dry on the U.S. Supreme Court's landmark Janus decision barring public-sector unions from collecting so-called fair share fees from workers, the ruling has spurred quick actions to handle the fallout, including from congressional Democrats, nearly two dozen mayors and a right-to-work nonprofit. Here, Law360 looks at four post-Janus developments to keep tabs on. [Read more »](#)

NJ Agency Must Turn Over Complaints In Racial Bias Suit

First Interstate BancSystem Inc.
First Reserve Corp.
Goldman Sachs Group Inc.
Google Inc.
Honeywell International Inc.
Huawei Technologies
International Association of Privacy Professionals
JPMorgan Chase & Co.
Kaspersky Lab Ltd.
KeyCorp
Lambda Legal Defense & Educational Fund
Lawyers' Committee for Civil Rights Under Law
Lyft Inc.
M&T Bank Corporation
Microsoft Corporation
Mobilitie LLC
Morgan Stanley
NBCUniversal Inc.
National Education Association
National Right to Work Legal Defense Foundation
New York Times Co.
Oculus VR LLC
Public Knowledge
Sabine Oil & Gas Corp.
Schlumberger Limited
Service Employees International Union
Sierra Club
Sinclair Broadcast Group, Inc.
Spectrum Management Holding Co.
Spotify Technology SA
State Street Corp.
Stoneridge, Inc.
Theranos Inc.

A New Jersey appeals court on Wednesday ordered two state agencies to turn over bias complaints in a racial discrimination suit against the agencies, ruling that the state's concerns about the privacy of employees who made those complaints were unfounded. Read more »

Mass. Gov. Signs Family Leave, Minimum Wage Bill

Republican Massachusetts Gov. Charlie Baker on Thursday signed legislation that will gradually raise the state's minimum wage, implement a family and medical leave policy and make a sales tax holiday permanent, according to his office. Read more »

COMPETITION

FCC Urged To Halt Sinclair-Tribune Deal Over Rules Review

Nonprofit groups Public Knowledge and Common Cause on Thursday told the Federal Communications Commission to wait before deciding if Sinclair Broadcast Group Inc. can merge with Tribune Media Co. until after the D.C. Circuit has looked at whether the agency's viewership discounts under its UHF rule are lawful. Read more »

CYBERSECURITY & PRIVACY

DC Circ. Expects Quick Response To Kaspersky's Stay Bid

The D.C. Circuit on Thursday gave the federal government a little more than a week to respond to an emergency request to stay a planned ban on federal contracts for Kaspersky Lab, after the company argued the government had moved up the effective date of the ban. Read more »

Calif. Enacts Internet Privacy Law, Erasing Ballot Effort

California Gov. Jerry Brown on Thursday signed a landmark privacy bill that will give

Tribune Media Co.
Twitter Inc.
Verizon Communications Inc.
Wells Fargo & Co.
ZTE Corp.

GOVERNMENT AGENCIES

Bureau of Reclamation
California Secretary of State
Confederated Tribes and Bands of the Yakama Nation
Congressional Budget Office
Department of Commerce
European Commission
European Union
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Labor Relations Authority
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Florida Department of Environmental Protection
Georgia Attorney General's Office
Internal Revenue Service
International Trade Administration
International Trade Commission
Klamath Tribes
Massachusetts Legislature
NATO
National Marine Fisheries Service
New Jersey Attorney General's Office
Port Authority of New York & New Jersey

consumers the ability to control how online companies use and share their personal information and to request its deletion, prompting the backers of a similar but potentially more stringent privacy initiative set to appear on the November election ballot to withdraw their proposal. [Read more »](#)

AEROSPACE & DEFENSE

House Passes \$675B Defense Spending Bill

The U.S. House of Representatives on Thursday easily passed its nearly \$675 billion bill funding the U.S. Department of Defense for 2019, while rejecting a proposal to add more funding for attack submarines, as a Senate panel approved its own version of the bill. [Read more »](#)

INTERNATIONAL TRADE

Commerce Hands Down Early Tariffs On Asian Pipe Imports

The U.S. Department of Commerce moved to slap tariffs on imports of large-diameter welded pipes from several Asian countries, determining that producers from India, South Korea, China and Turkey had been unfairly subsidized by their respective governments. [Read more »](#)

TAX

IRS Commissioner Nominee Queried On Pass-Through Deduction

Charles Rettig, nominee for Internal Revenue Service commissioner, was questioned Thursday by a member of the Senate Finance Committee about the 20 percent deduction for certain pass-through income included in last year's federal tax overhaul legislation. [Read more »](#)

Calif. Gov. OKs Soda Tax Ban, Citing Beverage Biz Threat

Securities and Exchange Commission

Texas Department of Parks and Wildlife

U.S. Attorney's Office

U.S. Department of Agriculture

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Senate

U.S. Supreme Court

California Gov. Jerry Brown on Thursday signed a measure that blocks cities and counties from enacting taxes on soda and other sugar-filled drinks through 2030, citing the threat of a beverage industry ballot measure that went away with the swipe of his pen. [Read more »](#)

IMMIGRATION

Senate OKs Bill To Grant New Zealanders Access To E Visas

The U.S. Senate on Thursday unanimously passed a bill that would add New Zealand to the list of countries participating in the E visa program, which allows nationals of certain foreign countries to temporarily reside in the U.S. to conduct trade and investment operations. [Read more »](#)

Feds Ordered To Halt Release Policy For NY Detained Minors

A New York federal court on Wednesday ordered the federal government to pause its policy requiring the head of an immigration agency to personally review and sign off on the release of detained minors who have been held in a more restrictive setting, certifying a class of children held in the state. [Read more »](#)

Trump's Remarks Did Not 'Taint' DACA Rollback, 9th Circ. Told

The Trump administration on Thursday urged the Ninth Circuit to find that, under the U.S. Supreme Court's travel ban ruling earlier this week, President Donald Trump's derogatory statements on the campaign trail regarding Mexicans similarly "did not taint" the administration's plan to end the Deferred Action for Childhood Arrivals program. [Read more »](#)

Pro Bono Spotlight

BigLaw Jumps Into Immigration Fray

In response to the administration's zero-tolerance and family separation policies,

BigLaw firms across the country are partnering with each other and a constellation of nonprofits to provide pro bono legal aid to parents and children seeking to be reunited and be granted asylum. [Read more »](#)

NATIVE AMERICAN

Law Enforcement Can't Stop Wash. Tribe's Fireworks Sales

A Washington federal court on Thursday granted a request by the Confederated Tribes and Bands of the Yakama Nation for immediate relief to prevent law enforcement from halting their members from selling fireworks sanctioned by tribal permit or confiscating the merchandise. [Read more »](#)

TELECOMMUNICATIONS

FCC's O'Rielly Says Admin Hearings Wrongly Kill Mergers

The Federal Communications Commission's administrative law judge system is one of the easiest ways to strangle a proposed media merger, Commissioner Michael O'Rielly suggested Thursday, saying in a speech that the agency's in-house review process should be scrapped. [Read more »](#)

Municipal Broadband May Present Free Speech Concerns

While municipally operated broadband networks may be an attractive option after the recent net neutrality rule deregulation, an expert warned Thursday that government-run networks can raise free speech concerns. [Read more »](#)

Rosenworcel Offers San Jose Small Cell Deals As 5G Model

Federal Communications Commissioner Jessica Rosenworcel is promoting contracts approved by the city of San Jose, California, for the deployment of 5G next generation broadband as a solution to

conflicts between carriers' need for access to utility poles with local governments' demand to control the terms of telecom attachments. [Read more »](#)

Microsoft Urges Limited 'White Spaces' Spectrum Program

Microsoft Corp. has urged the Federal Communications Commission to preserve the status quo on its "white spaces" project, a plan to repurpose gaps between channels to power Wi-Fi-like signals in rural areas, which has proven to be controversial with groups that have complained the tech giant never participated in auctions and therefore isn't entitled to spectrum. [Read more »](#)

EXPERT ANALYSIS

Series

From Lawmaker To Lawyer: Prioritizing Is Always Key

Today, members of Congress often seem able to blame colleagues of the other party for not getting anything done for their constituents. In law practice, you can't really blame a bad result for your clients on the lawyers on the other side, says former Sen. Joe Lieberman, D-Conn., of Kasowitz Benson Torres LLP. [Read more »](#)

The E-Sign Act: 18 Years And All Grown Up

As the Electronic Signatures in Global and National Commerce Act — signed by President Bill Clinton on June 30, 2000 — reaches the age of maturity after being tested in the courts, and as more employers adopt or broaden their use of electronic signatures, now is a good time to review the basic requirements and lessons learned from the developing case law, says August Heckman of Morgan Lewis & Bockius LLP. [Read more »](#)

Trump V. Hawaii Left To The 'Moral Judgments Of History'

In *Trump v. Hawaii*, the U.S. Supreme Court recently found that Congress “delegated” to the president the “comprehensive” power to suspend the entry of any noncitizens whose admission he found “detrimental” to American interests. The crux of the majority’s decision: No fig leaves here, says Joseph Tartakovsky, the James Wilson fellow in constitutional law at the Claremont Institute. [Read more »](#)

After Janus, Employers Should Proceed With Caution

The long-awaited decision in *Janus v. AFSCME* was the second within a month in which the U.S. Supreme Court ruled against unions, putting employers in a strong position at the bargaining table. But if employers appear too eager to exploit the moment, they risk facing a backlash, say Jack Schaedel and Christian Scali of Scali Rasmussen. [Read more »](#)

What You Should Know About The 24/7 Cybercrime Network

The CLOUD Act raises the possibility of agreements between the U.S. and EU on law enforcement access to digital evidence, and the EU’s proposed “e-evidence” regulation would streamline law enforcement access to data among its 28 member states. These two actions will greatly change the way that the G7’s 24/7 Cybercrime Network operates, says Chris Ott of Davis Wright Tremaine LLP. [Read more »](#)

IRS Delivers Double Whammy To Owners Of Escheated IRAs

Custodians of individual retirement accounts that escheat to the state will soon be required by the IRS to withhold 10 percent for federal income tax and report the escheatment as a taxable distribution to the owner. It is unclear whether the new rules provide any relief from the taxes and penalties these IRA owners may

Consider this -- it's time to drop ideological swords
to make schools better for kids

No Images? [Click here](#)



Reforming with the enemy: Drop ideological swords to make schools better for kids

by Jeanne Allen

As seen in The 74

Donald Trump's attacks on Hillary Clinton were returned recently at the annual meeting of the American Federation of Teachers, the nation's second-largest union, and the one representing most of the urban teachers in this country.

"Mike Pence is one of the most extreme vice presidential picks in a generation," Clinton said. "And he's one of the most hostile politicians in America when it comes to public education. Neither Mike Pence nor Donald Trump should be anywhere near our children's education."

Those words were the equivalent of throwing red meat to the wolves, as the union crowd erupted into cheers, hoots, and hollers.

Similarly, education reformers — activists, donors, lawmakers — are taking

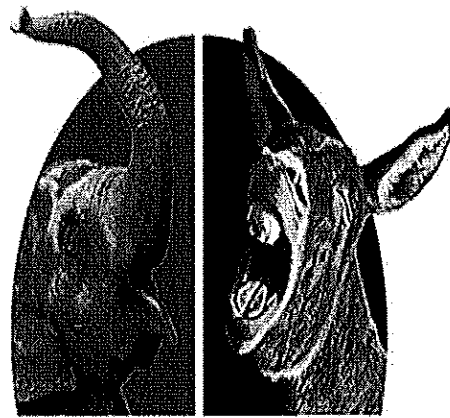
sides and reacting across social media, each about their respective outrages.

I understand how it is to feel adamant about a candidate. I have tweeted my way through a political season. But advocates for true education reform must be willing to pass judgment on policy positions before condemning policy proponents.

Such unity hardly seems possible when Clinton's union supporters are feeding anti-school choice talking points to legions of members that their schools will disappear under a Trump-Pence administration. And Trump supporters organized in the blogosphere use different calling cards to strike a similar fear in parents, focusing on the impact a Clinton administration would have on the hearts and minds of their children, with the loss of local control and teachers unions in charge of the U.S. Department of Education.

Finding any middle path or "common" ground will be hard. And for many ed reformers, the pair of candidates presents a Hobson's choice.

But it need not be so.



#EDlection2016



We have, as the saying goes, no permanent allies nor permanent enemies, just a never-ending interest in bettering education. Those who

care passionately about education should be willing to work with anyone who is equally as passionate.

It doesn't mean they will get your vote. But we need their ear now, and we need an open door with whoever wins. We must be willing to recognize any candidate that supports the core policies and principles of education innovation and opportunity, or call them out for their opposition, no matter who they are or what they espouse on other issues that may be near and dear to our hearts.

Why? Because history shows us that this is how we succeed.

The development of education reform is rich in strange bedfellows that locked arms in and outside of elections. People came together on policies that disrupted the status quo, recognizing that the most important issue facing our country is the education of our youth.

Wisconsin state Rep. Polly Williams was a member of the Black Panthers. She was also a partner with Conservative Republican Gov. Tommy Thompson to make vouchers a reality for poor children in Milwaukee and pave the way for greater school improvement throughout Wisconsin.

The fact that Democrats once called Pennsylvania Gov. Tom Ridge every name in the book didn't stop state Rep. Dwight Evans, an African-American Philadelphian who is now in line to enter Congress, from uniting with Ridge to create the state's charter school law. Republicans fought against it to preserve local control, and Democrats fought against it to preserve the current system's power. Sound familiar?

And in Cleveland, where the Republican Party is current perched, the late great City Councilwoman Fannie Lewis told everyone that she

didn't care who she worked with so long as they could help save her babies in her city. She joined hands with George Voinovich, a Republican governor, and free market, conservative donors to fight for school choice. And fight they did, all the way to the U.S. Supreme Court.

At least a dozen other such alliances have had transformational results in education in cities and states nationwide. Florida's scholarship programs enjoy majority support in the black and Latino caucuses, even among Democrats. They partner with Republican Gov. Rick Scott, their arch-nemesis, on other issues.

Polar opposites and divisions in reform have always existed, but for years, politicians were willing to look beyond the most extreme of differences, because reformers did too.

Truly committed to education opportunity?

On the same page in support of policies and practices that produce the innovation, flexibility, and transparency to create those opportunities that hold the key to better schools for all children?

Then let's put down our ideological swords, roll up our sleeves, and make it happen.

Let's go back to the future. Lawmakers in statehouses nationwide and in Congress would welcome it. Policymakers and think tank researchers want it.

And our kids deserve it.

The mission of the Center for Education Reform (CER) is to expand educational opportunities that lead to improved economic outcomes for all Americans, particularly our youth, ensuring that the conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

The Center for Education Reform
1901 L Street, NW, Suite 705
Washington, DC 20036

[Preferences](#) | [Unsubscribe](#)

From: Policy Matters Ohio
Sent: Wednesday, October 5, 2016 9:46 AM
To: Rep48
Subject: Out and about in October: News from Policy Matters

Policy Matters Ohio



A roundup of happenings at Policy Matters Ohio....

Justice: Our executive director Amy Hanauer joins president Randi Weingarten of the American Federation of Teachers, the Reverend Jawanza Colvin of Cleveland's Olivet Institutional Baptist Church, president Tom Steyer of NextGen Foundation, and the Reverend Tony Minor to discuss economic, educational, environmental and social justice, Friday, October 7 at noon at Cleveland State University's Student Center, Room 313. Register [here](#).

Voice: Outreach coordinator, Daniel Ortiz will facilitate a free, bilingual session at Convención Hispana called "Make Your Voice Heard," with staff from the Cuyahoga County Board of Elections. Register [here](#) for this event at Max Hayes High School on Saturday, October 8 at 9:30 a.m.

Economy: Amy also joins Ohio Voice, Cleveland Jobs with Justice and other immigration leaders to discuss the multiple costs of mass deportation on Thursday, October 6 at 10 a.m. at Trinity Commons.

Philanthropy: Development manager Cynthia Connolly will speak at Leadership Ashtabula County philanthropy day luncheon at Kent State University Ashtabula on October 14 about changes in philanthropy.

Debate: Amy Hanauer took on Ohio's anti-worker think tank in a lively debate on Karen Kasler's "The State of Ohio" television show. [Watch now](#).

[Read this e-news online](#)

Policy Matters Ohio, Columbus, 43215, Cleveland, OH 44114

[SafeUnsubscribe™ Rep48@ohiohouse.gov](#)

[Forward this email](#) | [Update Profile](#) | [About our service provider](#)

Sent by news@policymattersohio.org in collaboration with



Try it free today

From: Public Policy Law360
Sent: Thursday, November 17, 2016 7:26 AM
To: Rep48
Subject: Trump's SEC Likely To Shrink Back Where White's Expanded



Thursday, November 17, 2016



TOP NEWS

Trump's SEC Likely To Shrink Back Where White's Expanded

U.S. Securities and Exchange Commission Chair Mary Jo White's signature policy of demanding admissions in cases of egregious fraud will likely remain when she steps down in January, but experts said her eventual replacement will probably pull back from her "broken windows" enforcement style and slow the agency's rulemaking flow.

Analysis

Trump's Plan To Deport 2M Immigrants Will Face Roadblocks

President-elect Donald Trump has said he plans to deport 2 million to 3 million unauthorized immigrants with criminal records, but that number is likely inflated, and experts suggest deportations could be slowed by court hearings, with some cities further complicating the process by refusing to abandon their "sanctuary" status.

DOL Persuader Rule Permanently Blocked By Texas Judge

A Texas federal judge permanently blocked the U.S. Department of Labor from enforcing a new rule expanding employers' disclosure requirements related to union-organizing

LAW FIRMS

Alston & Bird
Arent Fox
Baker Botts
Beeson Tayer
Covington & Burling
Cravath Swaine
Davis Polk
Debevoise & Plimpton
Dentons
Earthjustice
Epstein Becker Green
Foley & Lardner
Freehill Hogan
Graves Dougherty
Greenberg Traurig
Husch Blackwell
Jacobson Burton
K&L Gates
Kaufman Dolowich
Kemp Smith
Kirkland & Ellis
Kramer Levin
Littler Mendelson
Lowenstein Sandler
Mayer Brown
McCarter & English

campaigns, concluding Wednesday that the rule is unlawful.

Analysis

Colo. Tax Reporting Row Unlikely To Nix Physical Tie Rule

States frustrated by a U.S. Supreme Court ruling barring them from collecting transaction taxes from retailers that don't have a physical presence within their borders may be futilely relying on a petition from Colorado that the high court is unlikely to review because the case only addresses the scope and not the actual substance of the controversial ruling, experts say.

Analysis

Trump Administration Figures To Keep Sanctions Bar On Alert

President-elect Donald Trump's unpredictable approach to governance has already raised alarm on the sanctions bar as attorneys prepare for potentially drastic changes that the former real estate tycoon may pursue with regard to U.S. foreign policy toward Iran, Russia and Cuba.

FCC Cancels Business Data Services Vote After GOP Pressure

Federal Communications Commission Chairman Tom Wheeler on Wednesday heeded a call from congressional Republicans to halt action on major items during the presidential transition, dropping new rate regulations in the business data services market from consideration at Thursday's agency meeting.

Don't Pass Lame-Duck Rules, House GOP Warns Agencies

House Republican leaders on Tuesday sent a letter to government agencies requesting a moratorium on passage of any pending regulations until President-elect Donald Trump's inauguration.

McGuireWoods
Mintz Levin
Morrison Cohen
Norton Rose Fulbright
Ogletree Deakins
Orrick Herrington
Pepper Hamilton
Reed Smith
Sedgwick LLP
Seyfarth Shaw
Smith Robertson
Sprague & Sprague
Squire Patton Boggs
Stradling Yocca
Stroock & Stroock
Thompson & Knight
Thompson Coburn
Weil Gotshal
Welder Leshin
Wilkinson Walsh
WilmerHale
Zuckerman Spaeder

COMPANIES

ALLETE Inc.
AT&T Inc.
Airbnb Inc.
AlixPartners
Altman Weil Inc.
America Fujikura Ltd.
American Cable Association
American Enterprise Institute
American Federation of Labor and Congress of Industrial Organizations
American Federation of Teachers
American Petroleum Institute Inc.
Apple Inc.
British Broadcasting Corp.

Citing Garland, Feinstein Vows To Scrutinize Trump AG Pick

Sen. Dianne Feinstein, D-Calif., ascended to the ranking position on the Senate Judiciary Committee on Wednesday promising to scrutinize President-elect Donald Trump's picks for attorney general and the courts, invoking Republicans' treatment of U.S. Supreme Court nominee Merrick Garland.

Senate Democrats Pick NY's Schumer As Leader

The Republicans in the Senate kept their leadership the same for the next Congress, and Sen. Chuck Schumer, D-N.Y., took on the minority leadership role on Wednesday in an election that also swept Sens. Joe Manchin and Bernie Sanders into leadership roles.

BANKING & SECURITIES

Higher Equity Levels Means Safer Banks, Minn. Fed Says

Federal Reserve Bank of Minneapolis President Neel Kashkari unveiled a plan Wednesday that he said would end the problem of too-big-to-fail banks by significantly boosting the equity capital levels they need to maintain.

ENERGY & ENVIRONMENTAL

Ex-Pa. DEP Head Raises Post-Election Climate Change Fears

The former head of Pennsylvania's Department of Environmental Protection lambasted the state General Assembly's Republican majorities and President-elect Donald Trump for their alignment on environmental issues in remarks Tuesday, but said litigation could serve as a counterweight.

Army Corps Looks To Exit Enviros' Barge Facility Suit

The Army Corps of Engineers on Tuesday asked a Texas federal judge to toss negligence claims brought against it by an environmental

Center for Biological Diversity Inc.
Comcast Corporation
Competitive Carriers Association
Council on Foreign Relations
Devon Energy Corporation
Environmental Defense Fund Inc.
Facebook
Fannie Mae
Freddie Mac
Google Inc.
International Brotherhood of Teamsters
International Franchise Association
Intuit Inc.
JPMorgan Chase & Co.
Lateral Link Group
LinkedIn Corp.
Mohegan Sun
Mortgage Bankers Association
Mylan NV
National Association of Broadcasters
National Association of Manufacturers
National Congress of American Indians
National Corn Growers Association
National Federation of Independent Business
National Indian Gaming Association
National Retail Federation Inc.
Netflix Inc.
New York Times Co.
Newegg Inc.
Overstock.com Inc.
PayPal Inc.
Sierra Club

group over the approval of the construction of an industrial barge facility, arguing the Corps doesn't have the authority to offer the relief the group is seeking.

DC Circ. Halts Biofuel Challenge To EPA Aircraft GHG Rule

The D.C. Circuit on Monday held in abeyance a coalition of biofuel and agricultural industry groups' challenge to the U.S. Environmental Protection Agency's recent finding that greenhouse gas emissions from aircraft endanger human health and the environment.

US Unveils Ambitious Climate Goals At UN Forum

The White House released at a United Nations meeting Wednesday an ambitious plan to "deeply decarbonize" the U.S. economy by 2050, amid growing skepticism that President-elect Donald Trump will carry on the Obama administration's commitment to climate action.

DOE Cancels Oil And Gas Leases In Mont. Tribal Area

The U.S. Department of the Interior on Wednesday said that it has canceled 15 oil and gas leases in the Badger-Two Medicine region of Montana in collaboration with Devon Energy Corp. and the Blackfeet Nation, which considers the land sacred, nearly eliminating all such leases in the area.

DOE Approves US-Canada Renewable Power Line

Minnesota Power's 224-mile cross-border transmission line received a presidential permit from the U.S. Department of Energy on Wednesday, the final major approval it needed before construction could begin on the project, which will bring renewable energy from Canada's hydropower resources to customers in Minnesota.

Groups Seek Full Record Behind FDA's GMO Salmon Approval

Spotify Technology SA
Syngenta AG
T-Mobile USA Inc.
Turner Broadcasting System Inc.
Twitter Inc.
U.S. Bancorp
U.S. Chamber of Commerce
United Steelworkers
Verizon Communications
Wayfair LLC
Wells Fargo & Co.
Yahoo! Inc.
Zeughauser Group LLC

GOVERNMENT AGENCIES

Army Corps of Engineers
Blackfeet Nation
Bureau of Land Management
Centers for Medicare & Medicaid Services
Congressional Budget Office
Consumer Financial Protection Bureau
Department of Commerce
Equal Employment Opportunity Commission
European Commission
Executive Office of the President
Federal Bureau of Investigation
Federal Communications Commission
Federal Emergency Management Agency
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Immigration and Customs Enforcement
Internal Revenue Service

The U.S. Food and Drug Administration is holding back documents related to its approval of AquaBounty Technologies Inc.'s genetically engineered salmon for human consumption, a coalition of groups challenging the agency's decision told a California federal court Tuesday.

HEALTH & LIFE SCIENCES

Senator Wants DOJ To Testify At EpiPen Rebate Hearing

The chairman of the U.S. Senate Judiciary Committee on Tuesday urged the U.S. Department of Justice to change its mind and send someone to testify at an upcoming hearing looking into a settlement the DOJ reached with Mylan NV over underpaid Medicaid rebates.

REAL ESTATE

HUD Passes New Rental Assistance Rules, Skips NYC

The U.S. Department of Housing and Urban Development said Tuesday it has changed the way it calculates rental subsidies for some Section 8 voucher holders in an effort to help tenants move to more affluent neighborhoods, but the changes will not apply to New York City after objections were raised by local politicians.

EMPLOYMENT

Injunction Ruling Expected Next Week In DOL Overtime Case

A Texas federal judge said he'll decide by Nov. 22 whether to stop the U.S. Department of Labor's new overtime rules from taking effect as scheduled on Dec. 1, as 21 states and dozens of business groups push for an end to what they say is an unlawful change.

Union, NLRB Urge DC Circ. To Uphold Joint Employer Rule

The National Labor Relations Board and Teamsters Local 350 have each filed their final briefs with the D.C. Circuit backing the board's

Little River Band of Ottawa Indians

Mashantucket Pequot Tribal Nation

Mohegan Tribe

NATO

National Institute of Standards and Technology

National Labor Relations Board

National Security Agency

Quinault Indian Nation

Saginaw Chippewa Indian Tribe of Michigan

Securities and Exchange Commission

U.S. Army

U.S. Attorney's Office

U.S. Department of Defense

U.S. Department of Education

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Housing and Urban Development

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. Senate

U.S. Supreme Court

U.S.-China Economic and Security Review Commission

United Nations

recently revised standard for determining joint employers.

Pa. Judges Want Contested Retirement Amendment Left Alone

A group of Pennsylvania state judges on Monday backed State Secretary Pedro Cortes in his defense of a recently passed amendment that increases a local judge's mandatory retirement age from 70 to 75, arguing voters agreed to the change and there is no reason to undercut their decision.

Virgin Islands Govt. Salary Law Can't Stiff Unions: 3rd Circ.

The Virgin Islands wrongly compromised government employees' collective bargaining agreements by enacting a law that unilaterally reduced salaries, the Third Circuit said Tuesday, overturning a previous decision that said the law was necessary even though it conflicted with established union contracts.

PRIVACY & CONSUMER PROTECTION

CFPB Launches Inquiry Into Consumer Financial Data Access

The Consumer Financial Protection Bureau on Thursday launched an inquiry into the problems consumers face in getting access to and sharing their digital financial information with different financial firms.

Commerce Chief Stumps For Privacy, Trade Partnerships

The head of the U.S. Department of Commerce on Wednesday pushed the Trump administration to work with private companies to tackle growing cyberthreats and the debate over law enforcement access to encrypted data — and not to give up on the Trans-Pacific Partnership.

Conservative Group Beats Calif. AG's Bid To Get Donor List

A California federal judge on Thursday granted conservative advocacy group Thomas More Law Center's bid to prevent California's attorney general from obtaining its donor list, ruling after a bench trial that allowing the donor list handover would violate the group's free speech rights.

FCC Won't Exempt Mortgage Servicing Calls Under TCPA

Mortgage servicers are banned from robocalling homeowners without express prior consent, the Federal Communications Commission ruled Tuesday, because their needs don't override consumers'.

PRODUCT LIABILITY

Sens. Call For Action On GMO Approvals At US-China Summit

As the Obama administration prepares for its last high-level trade summit with China, a group of 37 senators, including the leaders of the Senate Agriculture Committee, demanded on Tuesday that the president pressure Beijing to expedite its approval process for genetically modified crops.

DOJ Rolls Out Baseline Requirements for 'Smart Gun' Tech

The U.S. Department of Justice on Wednesday announced that it had released voluntary, baseline specifications that outline the minimum technical requirements that law enforcement agencies can expect from "smart gun" technology, as part of the Obama administration's efforts to combat gun violence.

GOVERNMENT CONTRACTS

Pa. Should Repay \$2.4M Disaster Fund Windfall, Report Says

An audit released Wednesday recommended that the Federal Emergency Management Agency recoup \$2.4 million in profits earned by Pennsylvania after investing money earmarked

for pending disaster relief projects in the mid-2000s.

INTERNATIONAL TRADE

Congress Urged To Block Certain Chinese Investments In US

In its annual address to Congress, a commission tasked with monitoring U.S.-China relations said that Chinese companies' drive to acquire U.S. assets is a "political concern," and urged the Committee on Foreign Investment in the United States to block acquisitions by Chinese state-owned enterprises.

EC Eyes 12 Trade Pacts' Potential Effects On Agriculture

The European Commission said Tuesday that once 12 expected trade agreements go into effect, by 2025, the European Union's beef and rice sectors will likely suffer while the dairy and pig sectors should see gains, although European officials acknowledged that many of the pacts are now under political attack.

BANKRUPTCY

Puerto Rico Fights Off Lift Of Stay In Bondholder Suits

A Puerto Rico federal judge on Tuesday declined to lift a stay on claims by bondholders and an insurer for the commonwealth in litigation seeking payment on hundreds of millions of dollars in obligations that were halted through executive orders, saying that allowing the claims could be detrimental to debt restructuring discussions with creditors.

IMMIGRATION

'Crime Of Violence' Clear Term, Gov't Tells Supreme Court

The federal government urged the U.S. Supreme Court Monday to overturn a Ninth Circuit ruling that the Constitution's "prohibition of vagueness in criminal statutes" applies to

statutory provisions used to deport immigrants convicted of violent crimes.

NATIVE AMERICAN

Senate Urged To Exempt Tribes From NLRB Jurisdiction

A coalition of 130 Native American tribes, tribal corporations and intertribal associations urged the U.S. Senate on Tuesday to include a bill to exempt casinos and other tribal businesses from National Labor Relations Board jurisdiction in any "must-pass" legislation it considers as its current session winds down.

TELECOMMUNICATIONS

Broadcast Group Exec Calls For Ease Of Ownership Rules

The National Association of Broadcasters' chief executive, at a Tuesday luncheon sponsored by the nonprofit Media Institute, urged the Federal Communications Commission to lift media ownership restrictions.

House Panel Urged To Up Rules For The Internet Of Things

Cybersecurity experts urged a House panel Wednesday to take steps ranging from direct federal oversight to increased industry standards to help secure devices in the so-called internet of things, which has increasingly been used to facilitate cyberattacks.

FCC Mustn't Delay Post-Auction Transition, Carriers Say

Broadcasters are trying to get in the way of wireless use of spectrum after the broadcast incentive auction, the Competitive Carriers Association has told the Federal Communications Commission, saying the agency should stick to a 39-month deadline to clear the airwaves.

FCC's Rosenworcel Pressed To Act On Set-Top Box Plan

The office of FCC Commissioner Jessica Rosenworcel was hit again the day after the election with lobbying to unlock consumer set-top boxes, with lobbying group Free Press saying it is disappointed the Federal Communications Commission failed to vote on the rules in September that it also has questions about details of the proposal.

PEOPLE

Zuckerman Spaeder Nabs Obama's Ex-Top Health Atty

Zuckerman Spaeder LLP has scooped up the Obama administration's former top lawyer for health care, who predicted Wednesday that Republicans will tread lightly when overhauling the Affordable Care Act and that drugmakers will eventually get clarity regarding off-label promotion.

EXPERT ANALYSIS

OPINION: Texas Must Adhere To The 8th Amendment

When *Moore v. Texas* is argued on Nov. 29, the U.S. Supreme Court will have an important opportunity to reject an unscientific state-law standard that allows the wrongful and unconstitutional execution of persons with intellectual disability, according to Mark Earley, former attorney general of Virginia, and Mark White, the 43rd governor of Texas.

Make College Great Again: Higher Education In The Trump Era

With the election of Donald Trump, colleges and universities should prepare for a very different U.S. Department of Education. And not just for-profit schools stand to benefit. Let's look to the priorities of the GOP in Congress to see what may be in store, say Kenneth Salomon and Christopher Murray of Thompson Coburn LLP.

What Trump's Election Means For The ACA

President-elect Donald Trump campaigned on an unspecified promise to "repeal and replace the Affordable Care Act," but its future will not be dictated by the new White House team. Rather, it will be the result of a process factoring in the policy preferences and relative political power of Republicans and Democrats in Congress, the Trump administration, and health care stakeholders, says Philo Hall of Epstein Becker & Green PC.

FDA Draft Sheds Light On Software As A Medical Device

Companies that develop software for medical uses should be aware that the U.S. Food and Drug Administration has issued draft guidance classifying the endless variety of software as a medical device, and imposing risk-based criteria for evaluating the safety and effectiveness of such software. But a lack of detail on certain issues may be confusing for manufacturers, say Barry Boise, Sharon Klein and Katrina Long of Pepper Hamilton LLP.

Cybersecurity Forecast: Trump's 'Warfare Of The Future' Plans

During the campaign, President-elect Donald Trump did not extensively outline a cybersecurity strategy, but we can gain some insight into his agenda from information provided on his website and from his partnerships with both political and nonpolitical figures, says Meaghan Pedati of McGuireWoods LLP.

Will FCC Privacy Rules Create Challenges For ISPs?

The Federal Communications Commission's new rules limit internet service providers' usage of consumer data, which will impact their profits and pressure them to increase fees for users. However, the incoming Republican administration may ignore or even undo these rules, says John F. Stephens of Sedgwick LLP.

A Primer On The Presidential Appointee Vetting Process

With the election over, the process of selecting individuals to fill the next administration's key appointed positions is quickly shifting into high gear. For those who are called to serve in such positions, the process entails extensive vetting of professional credentials and a host of personal background check issues, say attorneys with Covington & Burling LLP.

LEGAL INDUSTRY

BigLaw Dilemma: Too Many Lawyers, Too Little Work

BigLaw is struggling with an overabundance of lawyers as demand for its services remains flat, a phenomenon experts say not only impacts firms' bottom lines but also hinders their efforts to recruit and retain top talent.

McCarter & English First-Year Atty Pay Jumps To \$150K

East Coast law firm McCarter & English LLP will increase the pay of first-year associates beginning in January, from \$135,000 per year to a minimum of \$150,000, to help compete with the trend of rising salaries across the country, the firm said Tuesday.

Rainmaker Q&A: Ogletree Deakins' Joseph Clees

Aspiring rainmakers must invest their own time learning their client's industry and business, including personal visits whenever possible. I've done everything from pilot a client-made helicopter (badly) to picking lettuce at a client facility — and enjoyed it all immensely, says Joseph Clees, shareholder at Ogletree Deakins Nash Smoak & Stewart PC.

Rainmaker Q&A: Stroock's Brett Lawrence

We tell our new associates one thing: Treat everyone senior to you as if they're your client. Mid-level associates, senior associates, partners — they're all your clients. Your job is to make their lives easier. If you get into the habit

of doing that, then you'll do the same thing for your external clients, says Brett Lawrence, partner with Stroock & Stroock & Lavan LLP.

JOBS

Search full listings or advertise your job opening =

Not sure if your firm subscribes? Ask your librarian.

We hope you found this message to be useful.
However, if you'd rather not receive future emails of this sort,
you may unsubscribe here.

Please DO NOT reply to this email. For customer support inquiries, please call 1-646-783-7100 or visit our Contact Us page.

Law360 | Portfolio Media, Inc, 111 West 19th Street, 5th Floor, New York, NY 10011

Union's language and rhetoric should be rebuffed
by every American teacher

No Images? [Click here](#)

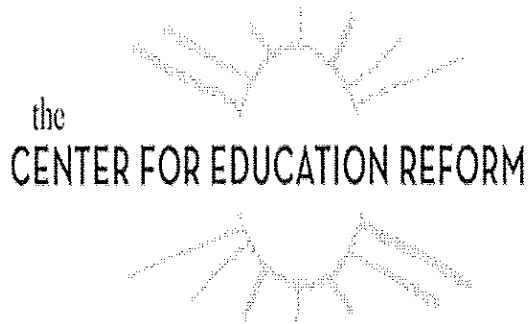
FOR IMMEDIATE RELEASE

January 9, 2017

CONTACT

Michelle Tigani

michelle@edreform.com



**Union Attack on DeVos "Outrageous and Contradictory," CER's
Jeanne Allen Says**

WASHINGTON, DC — Today's attack on Education Secretary nominee Betsy DeVos by the president of the American Federation of Teachers was a "partisan rant by the leader of the first national union to endorse the Democratic nominee in the last election, and they lost," said Jeanne Allen, Founder and CEO of the Center for Education Reform.

AFT President Randi Weingarten accused DeVos, who has played a major role in the expansion of charter schools in her home state of Michigan and in dozens of other states, of being "anti-public-education."

"But *charter schools are public schools*, they're just not the kinds of public schools that the AFT likes," Allen said. "For the head of an organization that purports to represent teachers by attempting to create fear among them is outrageous and contradictory. She claims that an agenda that promotes school options is anti-public education. The only

thing anti-public education is those who oppose educating the public in any way that best suits the needs of its students."

"That's what the teachers unions have become — a proverbial straw man against anything except the status quo. Their language and rhetoric should be rebuffed by every American teacher who cares about their classroom and their kids," Allen concluded.

About the Center for Education Reform

Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans — particularly our youth — ensuring that the conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

The Center for Education Reform
1901 L Street, NW, Suite 705
Washington, DC 20036

[Preferences](#) | [Unsubscribe](#)

From: Public Policy Law360
Sent: Thursday, February 2, 2017 5:24 AM
To: Rep48
Subject: Trump's Immigration Ban Sends Cos. Scrambling



Thursday, February 2, 2017



TOP NEWS

Analysis

Trump's Immigration Ban Sends Cos. Scrambling

President Donald Trump's sweeping executive order blocking people from certain predominantly Muslim countries from entering the U.S. left companies scrambling to figure out which employees may be affected, immigration experts say, and may lead to disruptions for both businesses and students trying to study in America.

Sessions AG Nomination Advances In Senate

After numerous delays, the Senate Judiciary Committee sent the attorney general nomination of Sen. Jeff Sessions, R-Ala., to the full Senate on Wednesday, as fights over President Donald Trump's Cabinet appointments and immigration order ramp up in Congress.

Veterans Affairs Nominee Promises Care Won't Be Privatized

Veterans Affairs Secretary nominee David Shulkin promised lawmakers Wednesday he would not seek to privatize the department but also asked for congressional help to allow the agency to move forward with needed changes.

LAW FIRMS

Alston & Bird
Arent Fox
Arnold & Porter Kaye Scholer
BakerHostetler
Balch & Bingham
Ballard Spahr
Barnes & Thornburg
Bell Nunnally
Cahill Gordon
Conner & Winters
Cooper & Kirk
Cozen O'Connor
DLA Piper
Debevoise & Plimpton
Dorsey & Whitney
Drinker Biddle
Earthjustice
Epstein Becker Green
Eversheds LLP
Fisher Phillips
Foley & Lardner
Ford & Harrison
Fox Rothschild
Fragomen Del Rey
Gibson Dunn

Analysis

IRS Update On Large-Business Audits Too Vague, Critics Say

Tax practitioners who were eagerly awaiting news on how the IRS would change its approach to auditing large corporations with assets of more than \$10 million were disappointed Tuesday, when the agency released an update that is being criticized as vague and lacking in substantive guidance.

Analysis

A Look At How Congress Could Revamp Patent-Eligibility

Several major intellectual property groups have called for new legislation to clarify what is and is not patent-eligible amid confusion over recent U.S. Supreme Court rulings. Here, attorneys discuss how Congress could frame the change and how it could impact patent law.

Analysis

Trump Immigration Ban Causing Headaches For Airlines

President Donald Trump's executive order temporarily barring citizens from seven predominantly Muslim countries from entering the U.S. caught airlines off guard, leaving them grappling with compliance questions and wondering if they may face suits from travelers who feel their rights have been violated.

Senate Panel Advances Price, Mnuchin Without Dems Present

A key Senate panel on Wednesday voted to move forward the nominations of President Donald Trump's picks to lead the U.S. Department of the Treasury and the Department of Health and Human Services without any Democratic members present.

Senate Approves Tillerson As Secretary Of State

Former Exxon CEO Rex Tillerson will serve as President Donald Trump's secretary of state after receiving Senate confirmation Wednesday, as battles over the Cabinet continue this week

Goodwin

Gordon Fournaris

Hogan Lovells

Holland & Knight

Honigman Miller

Jackson Lewis

Jackson Walker

Keker & Van Nest

Kellogg Huber

Kilpatrick Townsend

Kirton & McConkie

Kostelanetz & Fink

Latham & Watkins

Levy Ratner

Lewis Baach

Lewis Brisbois

Littler Mendelson

Mayer Brown

McDonnell Boehnen

Miller & Chevalier

Morrison & Foerster

Neal Gerber

Nilan Johnson

Norton Rose Fulbright

Paul Hastings

Polsinelli

Proskauer Rose

Quinn Connor

Seyfarth Shaw

Sheppard Mullin

Sidley Austin

Sirote & Permutt

Steptoe & Johnson LLP

Susman Godfrey

Sutherland Asbill

Venable LLP

Waller Lansden

Weil Gotshal

amid Trump's controversial order on immigration.

SUPREME COURT

Analysis

Gorsuch's Opening Words Speak Volumes About His Style

Never one to pass up the chance to spin a good yarn, U.S. Supreme Court nominee Neil Gorsuch's body of rulings during a decade at the Tenth Circuit casts him as a fervent storyteller. A look at some of his best opening passages reveals a narrative writing style that's light on legalese and heavy on plot, setting and characters.

Analysis

The 4 Wittiest Dissents By Gorsuch

During his tenure on the Tenth Circuit, Judge Neil Gorsuch wrote more than 30 playful, witty dissents that both entertain the reader and give clear insight to his legal thinking. Here, Law360 looks at the best of the bunch and what they say about his thoughts on legislating from the bench, prepositional phrases and everything in between.

Attys React To Judge Gorsuch's Supreme Court Nomination

President Donald Trump nominated Tenth Circuit Judge Neil Gorsuch on Tuesday to become the next associate justice on the U.S. Supreme Court, aiming to fill the vacancy left by Justice Antonin Scalia's death. Here, attorneys tell Law360 what they think about the nomination.

Analysis

Senators Flirt With Nuclear Option Over High Court Pick

The Senate fight over Tenth Circuit Judge Neil Gorsuch's nomination to the U.S. Supreme Court could soon "go nuclear," as less than a day after President Donald Trump put Gorsuch up for the court, political discussion has already turned to breaking a likely Democratic filibuster

WilmerHale
Winston & Strawn
Young Conaway

COMPANIES

AT&T Inc.
Airbnb Inc.
Amazon.com Inc.
America Fujikura Ltd.
America's Health Insurance Plans
American Bar Association
American Civil Liberties Union
American Dental Association
American Federation of Labor and Congress of Industrial Organizations
American Federation of State, County and Municipal Employees
American Federation of Teachers
American Hospital Association
American Immigration Lawyers Association
American International Group Inc.
American Petroleum Institute Inc.
Apple Inc.
Apricus Biosciences Inc.
Arrow Financial Corp.
Aviation Capital Group
Bank of America Corporation
Baxalta Inc.
Baxter International Inc.
Brunswick Corporation
Burger King Holdings Inc.
CIT Group Inc.
CME Group Inc.
CTIA
CVS Caremark Corporation
Caesars Entertainment
Celanese Corporation
Chevron Corporation

and pushing him through without any bipartisan support.

Analysis

Similar On The Law, Gorsuch Differs From Scalia In Style

If confirmed by the Senate, U.S. Supreme Court nominee Neil Gorsuch would bring to the bench a strikingly similar judicial philosophy to that of the late Justice Antonin Scalia, but former clerks and colleagues say the Tenth Circuit judge and Colorado native's congenial temperament couldn't be more different from his fiery predecessor's.

Analysis

Labor Agencies Would Face Rough Road Before Gorsuch

If confirmed to fill the open seat on the U.S. Supreme Court, Judge Neil Gorsuch could bring a management-friendly voice to the high court, experts say, pointing to the deep skepticism the jurist has expressed toward aggressive regulatory actions by labor agencies such as the National Labor Relations Board.

Analysis

Gorsuch Likely No Friend To Securities Suits

Plaintiffs firms could be on rough terrain at the U.S. Supreme Court if the Senate confirms Tenth Circuit Judge Neil M. Gorsuch, an exacting jurist who as a private attorney voiced concerns about the growing number of securities class actions and as a judge has taken a narrow view of securities fraud liability.

BANKING & SECURITIES

House Passes Bill Revoking SEC Payment Disclosure Rule

The U.S. House of Representatives passed a measure Wednesday that would disapprove a U.S. Securities and Exchange Commission rule requiring oil and gas extraction companies to disclose their payments to foreign governments,

Church's Chicken
Citigroup Inc.
Commonwealth Edison Co.
Competitive Carriers Association
Council for Global Immigration
Covidien PLC
DISH Network Corporation
Depository Trust & Clearing Corp.
Education Management Corporation
Eli Lilly and Company
Evercore Partners Inc.
Exelon Corporation
Expedia Inc.
Exxon Mobil Corporation
FedEx Corporation
Federalist Society
Fifth Third Bancorp
Friedman LLP
Geeknet, Inc.
General Electric Company
Google Inc.
Guy Carpenter & Co. LLC
Hobby Lobby Stores
IP Owners Association
International Lease Finance Corp.
Javlin Capital LLC
LinkedIn Corp.
Mallinckrodt PLC
Marsh & McLennan Companies Inc.
Microsoft Corporation
National Association of Health Underwriters
National Association of Insurance Commissioners
National Association of Manufacturers

potentially preventing the agency from implementing the regulation.

SEC Will Reconsider Conflict Minerals Disclosure Rule

The U.S. Securities and Exchange Commission is rethinking a rule that companies publicly disclose whether products contain minerals mined in Central African war zones, saying that although the rule has been in limbo since the D.C. Circuit declared it unconstitutional, negative effects persist.

ENERGY & ENVIRONMENTAL

ND Pols Claim Army Corps Will Issue Dakota Access Approval

The acting secretary of the Army has commanded the U.S. Army Corps of Engineers to grant Dakota Access LLC the final — and much disputed — approval needed to complete its controversial \$3.8 billion, 1,172-mile crude oil pipeline, three North Dakota lawmakers claimed Tuesday despite a contradictory statement from the Army.

Senate Dems Boycott, Block Pruitt EPA Vote

Senate Democrats on Wednesday blocked the confirmation of President Donald Trump's choice to lead the U.S. Environmental Protection Agency by refusing to attend a scheduled committee vote.

House Votes To Dam Up Stream Protection Rule

The House passed a measure to repeal a controversial Obama administration rule aimed at minimizing coal mining's harm to surface water and groundwater Wednesday, as part of a package of laws meant to remove the former president's rule legacy.

Enviros Sue EPA Over Trump-Yanked Mercury Rule

National Collegiate Athletic Association
Natural Resources Defense Council
Omnicare Inc.
OneWest Bank Group LLC
Pac-12 Conference
Pacific Life Insurance
PhRMA
Prime Therapeutics LLC
Randstad Holding NV
Reed Elsevier
SLM Corporation
Sears Holdings Corporation
Sequenom, Inc.
Service Employees International Union
Suntrust Banks Inc.
T-Mobile USA Inc.
The DIRECTV Group, Inc.
The Royal Bank of Scotland Group PLC
Time Warner Cable
TransAm Trucking Inc.
Twitter Inc.
U.S. Chamber of Commerce
U.S. Foods Inc.
United Western Bancorp, Inc.
Verizon Communications
Virtual Radiologic Corporation
Washington Legal Foundation
comScore, Inc.

GOVERNMENT AGENCIES
Army Corps of Engineers
Bureau of Citizenship and Immigration Services
Centers for Medicare & Medicaid Services
Central Intelligence Agency

The Natural Resources Defense Council filed suit against the U.S. Environmental Protection Agency in New York federal court on Wednesday over its decision to withdraw a rule aimed at reducing dentists' mercury waste because of an order given by Donald Trump's administration on its first day in office.

HEALTH & LIFE SCIENCES

HHS Ices 340B 'Mega-Guidance' Amid Regulatory Freeze

The U.S. Department of Health and Human Services has shelved "mega-guidance" that spelled out rules of the road in the 340B drug discount program, a move that follows the Trump administration's freeze on new regulations.

ACA Fixes Come Into Focus At Senate Hearing

Health insurance companies and regulators are coalescing around quick policy actions aimed at stabilizing Affordable Care Act marketplaces by tightening enrollment options, trimming benefits and extending subsidies, U.S. senators heard Wednesday.

IP & TECHNOLOGY

Tackling Abusive Patent Suits Is A Priority, Goodlatte Says

House Judiciary Committee Chairman Bob Goodlatte, R-Va., said Wednesday that patent reform would remain a priority for the new Congress, vowing to pursue measures to discourage abusive patent litigation.

REAL ESTATE

Judge Skeptical Of 1st Amend. Challenge To Airbnb Regs

An Illinois federal judge on Wednesday sharply questioned an attorney for a Chicago advocacy group trying to block the city's shared-housing regulations, asking how commercial

Delaware Attorney General's Office

Equal Employment Opportunity Commission

European Commission

Executive Office of the President

Federal Communications Commission

Federal Reserve System

Federal Trade Commission

Food and Drug Administration

Internal Revenue Service

National Labor Relations Board

Office of Surface Mining Reclamation and Enforcement

Office of the Director of National Intelligence

Securities and Exchange Commission

Standing Rock Sioux Tribe

U.S. Army

U.S. Copyright Office

U.S. Customs and Border Protection

U.S. Department of Agriculture

U.S. Department of Defense

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of State

U.S. Department of Veterans Affairs

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. House of Representatives

transactions like the ones taking place on Airbnb qualified for noncommercial speech protections under the First Amendment.

EMPLOYMENT

NCAA Football Players Are Employees, NLRB GC Says

College football players are employees, the National Labor Relations Board Office of General Counsel said Tuesday, seemingly baiting more football players at private universities to bring unfair labor practice charges or unionization efforts and adding fuel to a growing debate over the rights of NCAA student-athletes.

OMB Gives New Guidance On Federal Hiring Freeze

The U.S. Office of Management and Budget Tuesday provided more guidance to federal agencies implementing a temporary hiring freeze ordered by President Donald Trump on Jan. 23 in a memorandum outlining the types of exemptions authorized under the freeze.

GOP Reps. Introduce National Right To Work Bill

The recent right-to-work trend could go national after two Republican members of the House of Representatives introduced a bill Wednesday that would amend the National Labor Relations Act and the Railway Labor Act to let union members across the country opt out of paying mandatory dues.

Judge Axes Birmingham Challenge To Law Halting Wage Hike

A Birmingham federal judge on Wednesday threw out an NAACP lawsuit that claimed Alabama unconstitutionally targeted minorities by enacting a law that blocked the majority-black city's local minimum wage hike, finding a 2016 statute calling for uniform wages across

U.S. Marine Corps
U.S. Office of Personnel
Management
U.S. Patent and Trademark Office
U.S. Senate
U.S. Supreme Court
United Nations

the state has no affirmative component of discrimination.

PRIVACY & CONSUMER PROTECTION

Rep. Looks To Free Consumers From Political Robocalls

A Republican member of the U.S. House of Representatives floated legislation Wednesday that would add political robocalls to the universe of unsolicited communications that can't be blasted out to consumers with numbers on the national Do Not Call list.

PRODUCT LIABILITY

FDA Offers Advice To Food Industry On Drafting Guidance

The U.S. Food and Drug Administration on Tuesday laid out tips for members of the food industry to draft their own food safety guidance documents to help their peers comply with the requirements of the Food Safety Modernization Act.

INTERNATIONAL TRADE

EU, Mexico Still Eyeing Trade Pact Amid Rising Protectionism

Vowing to forge ahead at a time when protectionist sentiments are on the rise and support for trade liberalization is lagging, the European Union and Mexico said Wednesday that they're moving up talks to upgrade their sweeping free trade agreement.

Hatch Ready To Move On From 'Painful History' Of TPP Failure

Senate Finance Committee Chairman Orrin Hatch, R-Utah, said Wednesday that it was imperative for Congress to put the "painful history" of the Trans-Pacific Partnership in the rearview mirror and allow the Trump administration to take the lead in crafting a new trade strategy.

IMMIGRATION

Ill. Men Who Sued Over Trump Ban To Be Allowed Into US

Two men who sued President Donald Trump in Illinois federal court this week after his executive order on immigration barred them from the country will be allowed back into the U.S., their attorneys said Wednesday.

Del. To Aid Wash. State Suit Over Trump Immigration Ban

Delaware Attorney General Matt Denn said Wednesday that the First State plans to provide assistance in Washington state's lawsuit to block President Donald Trump's immigration ban, with several legal heavyweights like former state Chief Justice E. Norman Veasey working on the case for free.

TELECOMMUNICATIONS

Cable Group Asks FCC To Bump Regulatory Fees For Satellite

A trade group representing internet and television companies has encouraged the Federal Communications Commission to increase the regulatory fees charged to direct broadcast satellite providers, reasoning that those entities eat up comparable FCC resources as traditional cable and broadband companies.

FCC Must Not Reallocate High-Frequency Spectrum: Group

NCTA - The Internet & Television Association urged the Federal Communications Commission Tuesday to reject a bid from wireless companies to reallocate currently unlicensed high-frequency bandwidth for licensed use, saying the open spectrum is important for the development of short-range unlicensed wireless services.

TWC Wants Fed. Court To Take Calif. City's Suit Over Fees

Time Warner Cable on Tuesday asked a San Diego federal court to take up a suit brought against it by the city of Del Mar, California, in state court over allegedly improper charges for government service fees and withholding the payment of other city fees.

EXPERT ANALYSIS

Why Trump Should Keep Legal Immigrants Legal

Both the Trump administration and Congress would be wise to leave in place U.S. Citizenship and Immigration Services' new rule aimed at offering job flexibility for high-skilled foreign workers, which was not only enacted in accordance with the Administrative Procedures Act, but also allows skilled foreign workers to maintain their legal status, says Jacob Muklewicz of Kirton McConkie PC.

ACA In The Crosshairs: 1st Steps Toward Repeal

On his first day in office, President Donald Trump signed an executive order confirming his administration's intent to repeal and replace the Affordable Care Act. Clearly, the order confirms that the repeal and replacement of the ACA remains among the Trump administration's highest priorities. However, the order, standing alone, will likely have little impact on the current operation of the ACA, say attorneys at Proskauer Rose LLP.

How The Cayman Islands Updated Its Confidentiality Law

Last year, as part of a move toward transparency, cooperation and information-sharing, the Cayman Islands replaced its 40-year-old confidentiality law with a new statute. The key change is that disclosure of confidential information is no longer a criminal offense; instead, liability is returned to the realm of common law and rules of equity, say Andrew Bolton and Jane Hale of Appleby.

Dialing In: Hot TCPA Issues For 2017

The Federal Communications Commission's new chairman, Ajit Pai, has historically disagreed with many facets of the Telephone Consumer Protection Act. Now that he is in a position to shape the TCPA to his liking, he and several other key factors may significantly impact the future of the act, say attorneys with Eversheds Sutherland LLP.

LEGAL INDUSTRY

The Top In-House Hires Of January

The new year brought new legal leadership roles to a host of in-house attorneys at companies including Exelon, US Foods and Fifth Third Bank. Here are the in-house hires you should know about.

Eversheds Sutherland To Offer Bonuses For Teamwork

Leadership of the now-combined, 2,300-attorney global giant Eversheds Sutherland, the result of a rare trans-Atlantic tie-up inked in December, revealed Wednesday that the firm has set up special bonus pools to incentivize collaboration among its attorneys.

IRS Atty 'Broke Bad,' Sold Meth In The Mail, Say Prosecutors

An attorney for the Internal Revenue Service had "better call Saul" after prosecutors on Wednesday arrested and charged the former Debevoise & Plimpton LLP associate and Georgetown Law ethics teacher with conspiring to ship distribution levels of methamphetamine to Long Island from his apartment in Washington, D.C.

Legal Field Could Benefit From Mindfulness Training: Paper

The benefits of mindfulness are coming to the fore in popular culture and a number of U.S. industries, but little is known about its advantages in the legal field where it has the

potential to boost decision-making, ethics and leadership skills, a new paper said Tuesday.

JOBS

Search full listings or advertise your job opening =

Not sure if your firm subscribes? Ask your librarian.

We hope you found this message to be useful.
However, if you'd rather not receive future emails of this sort,
you may unsubscribe [here](#).

Please DO NOT reply to this email. For customer support inquiries, please call 1-646-783-7100 or visit our [Contact Us](#) page.

Law360 | Portfolio Media, Inc, 111 West 19th Street, 5th Floor, New York, NY 10011

Money, money, money... National reactions to the new budget and state-level enterprises expand... this week in Newswire.

No Images? [Click here](#)

= A

newswire@



Newswire: May 23, 2017

A weekly report on education news & commentary from the nation's leading voice on education innovation and opportunity

MONEY The Trump Administration's 9s FY 2018 proposed education budget is an opportunity for a national dialogue on how we educate, not how much we spend, according to a [statement](#) released today by the Center for Education Reform's Founder and CEO, Jeanne Allen.

House Education & Workforce Committee Chair Virginia Foxx said the budget is still a proposal, subject to congressional review. However, she reiterated the following concern overall:

"Students, workers, and small businesses cannot succeed in an economy that is crippled by too much government and too much debt. ...

"For too many years, the federal government has not lived within its means because policymakers have not set real priorities. The president's budget

proposal reflects the consequences of this failed approach, as well as the urgent need for tough choices and bold solutions to pursue a more responsible course."

The head of the Black Alliance for Educational Options (BAEO) Jacqueline Cooper, applauded some aspects, while calling others draconian:

"While we applaud the Administration's efforts to expand parental choice options for our nation's children, including increased spending for public charter schools, a new private school voucher program, making \$1 billion within Title I of ESSA available for students to attend the school of their choice, and an education tax credit program that will be part of future tax reform, the slashing of \$9 billion ? 3 or 13 percent – from the Department of Education's overall budget is an awfully painful way to put families and children first.

"If passed by Congress, these draconian cuts to public education will undoubtedly hurt our most vulnerable children..."

U.S. Secretary of Education Betsy DeVos said the budget "reflects a series of tough choices we have had to make when assessing the best use of taxpayer money."

American Federation of Teachers President Randi Weingarten called the budget "cruel."

It's certainly not a warm and loving budget, but cruel? Isn't it cruel to allow so much money to be spent to subsidize bureaucracy and not serve children?

In other news...

EVERYTHING'S ALWAYS BIG IN TEXAS Virtual charter schools are set to expand under a bill passed by the Texas State Senate this week. If adopted thousands more students will have access to online opportunities, which

PublicSchoolOptions.org President Tillie Elvrum argues helps students work in an environment that best meets their unique needs.

LEHIGH, PA CASE SANCTIONS CAP LIFT Pennsylvania has ruled that Lehigh Valley Regional Academy can have its charter renewed without enrollment caps, ending its battle with the Bethlehem Area School District, which was seeking a cap to save \$1 million. When LVA's charter was up for renewal in November, the Bethlehem Area School Board approved a charter that included an enrollment cap. The imposition of a cap is against state law. A similar battle was tried and won in Philadelphia a few years back; sadly the School Reform Commission extracts cap commitments from charters in not so acceptable ways.

BOOKS HELP KIDS A group calling itself "Better Outcomes for Our Kids" (BOOK) has been formed in Atlanta to help families better navigate the world of school choice. Because many parents "don't understand that their children don't have to attend the traditional Atlanta public school in their neighborhood," the group's founder says BOOK wants to be a "beacon of information" to help parents understand, and know the options that are available to them via charters and school choice. What a great idea—for parents in Atlanta and everywhere choice options exist. (Online at BookATL.org)

Want more? [Subscribe to the Media Bullpen.](#)

= A

= A

= A

Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans — particularly our youth — ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

[@edreform](#) | edreform.com

= A

The Center for Education Reform
1901 L Street, NW, Suite 705
Washington, DC 20036

= A

[Preferences](#) | [Unsubscribe](#)

Union leader's attack on parents and others who support school choice is hateful and should not stand.

No Images? [Click here](#)



School Choice Parents & Advocates Under Attack

The opposition to opportunity is out in full force. This week, American Federation of Teachers president Randi Weingarten crossed the line, calling most forms of school choice “only slightly more polite cousins of segregation” and that we are “hiding a dangerous ideological agenda”. Alleging the real pioneers of school choice are “the white politicians who resisted school integration”, she has called upon her constituency—a sizable piece of the largest organized employment workforce in the nation, to join her in a mass-condemnation of education opportunity advocates themselves.

The union leader’s attack on parents and others who support school choice is hateful and should not stand.

If Weingarten’s contempt tells us nothing else it is first that she and defenders of the status quo are scared. Scared that the obelisk of the status quo, which is all they know and rely on, may be cracked—and crumbling. Second; that whoever is loudest wins.

Ignorant of the true nature of school choice policies, misinformed about the real intentions of advocates for opportunity and hesitant to consider welcoming change that could make the future less certain in their own lives, people who look to Weingarten and other union leaders will not investigate claims themselves; they will take her word as gospel and go tell it on the mountain as such. From this, we can learn.

We need your help to respond to this assault, clear your names and ours, and correct the record—before history is rewritten in error.

Please [read our statement](#) and consider lending your support in the form of your own statement, story or commentary as a parent, a teacher, a student—or simply as someone concerned with education as-is. If you can, please consider [donating](#) to CER. We're actively engaging everyone in our network to add to, share and spread this message.

[DONATE NOW](#)

= A

Founded in 1993, [the Center for Education Reform](#) aims to expand educational opportunities that lead to improved economic outcomes for all Americans — particularly our youth — ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

edreform.com | [@edreform](https://twitter.com/edreform)

= A



The Center for Education Reform
1901 L Street, NW, Suite 705
Washington, DC 20036

[Preferences](#) | [Unsubscribe](#)

Union leader's attack on parents and others who support school choice is hateful and should not stand.

No Images? [Click here](#)



School Choice Parents & Advocates Under Attack

The opposition to opportunity is out in full force. Last week, American Federation of Teachers president Randi Weingarten crossed the line, calling most forms of school choice "only slightly more polite cousins of segregation" and that we are "hiding a dangerous ideological agenda". Alleging the real pioneers of school choice are "the white politicians who resisted school integration", she has called upon her constituency—a sizable piece of the largest organized employment workforce in the nation, to join her in a mass-condemnation of education opportunity advocates themselves.

The union leader's attack on parents and others who support school choice is hateful and should not stand.

If Weingarten's contempt tells us nothing else it is first that she and defenders of the status quo are scared. Scared that the obelisk of the status quo, which is all they know and rely on, may be cracked—and crumbling. Second; that whoever is loudest wins.

Ignorant of the true nature of school choice policies, misinformed about the real intentions of advocates for opportunity and hesitant to consider welcoming change that could make the future less certain in their own lives, people who look to Weingarten and other union leaders will not investigate claims themselves; they will take her word as gospel and go tell it on the mountain as such. From this, we can learn.

We need your help to respond to this assault, clear your names and ours, and correct the record—before history is rewritten in error.

Please [read our statement](#) and consider lending your support in the form of your own statement, story or commentary as a parent, a teacher, a student—or simply as someone concerned with education as-is. If you can, please consider [donating](#) to CER. We're actively engaging everyone in our network to add to, share and spread this message.

[DONATE NOW](#)

Founded in 1993, [the Center for Education Reform](#) aims to expand educational opportunities that lead to improved economic outcomes for all Americans — particularly our youth — ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

edreform.com | [@edreform](#)



The Center for Education Reform
1901 L Street, NW, Suite 705
Washington, DC 20036
= A

[Preferences](#) | [Unsubscribe](#)

From: Lindsey Stroud

Sent: Monday, August 14, 2017 6:02 PM

To: Rep48

Subject: Contrary to Union Rhetoric, School Voucher Programs Help to Integrate Schools

Unsubscribe

It appears that you have subscribed to commercial messages from this sender. To stop receiving such messages from this sender, please [unsubscribe](#)



= 9

Contrary to Union Rhetoric, School Voucher Programs Help to Integrate Schools

A report released in July 2017 by the Center for American Progress (CAP), a progressive think tank, titled *The Racist Origins of Private School Vouchers*, claims the programs originated in the “massive resistance” of Southern states to school integration.

The authors use the example of Prince Edward County in Virginia to cast the entire history of school vouchers as “sordid.” In response to the Supreme Court’s decision in *Brown v. Board* (1954) to end segregation in public schools, Prince Edward County shut down all its public schools and gave white families

vouchers for use at all-white private schools. Ultimately, there were roughly 100,000 students taking part of these vouchers in Dixie by the dawn of the 1970s.

CAP's release party for the paper was co-sponsored by the American Federation of Teachers, the heavy-spending union with a vested financial interest in opposing voucher programs to protect the monopoly position of the government-run schools that employ its members, and AFT President Randi Weingarten, alluding to the report, called vouchers the "polite cousin of segregation" in a speech at AFT's national conference that same week.

= A

Of course, what happened in Prince Edward County and elsewhere in the South at the tail end of Jim Crow is part of the voucher story and deserving of reprobation, but it is not the origin of the voucher story, and it is certainly not the whole of the voucher story.

As Frederick M. Hess of the American Enterprise Institute pointed out in a piece for *National Review Online* the call for school vouchers can be traced back to Thomas Paine's *Rights of Man* in 1791-92, with an assist from John Stuart Mill in 1859's *On Liberty*. "[Government] might leave to parents to obtain the education where and how they pleased, and content itself with helping to pay the school fees of the poorer classes of children, and defraying the entire school expenses of those who have no one else to pay for them," Mill wrote.

However, the modern voucher ur-text was Nobel-winning economist Milton Friedman's 1955 essay "The Role of Government in Education," although an example of a voucher program was already on the books in the form of the GI Bill by the time Friedman's essay was published. Pell Grants, another voucher, would follow a decade after Friedman's essay. The first modern voucher program, established in Milwaukee in 1990, was championed by black Democrats like state Senator Polly Williams, and polling of black voters routinely puts support for vouchers and other forms of school choice in the majority.

= A

In practice, voucher programs have been a vehicle for integration. According to EdChoice, since 1999, there have been 10 studies "using valid empirical methods" looking into how vouchers have affected school segregation in Cleveland, Milwaukee, the District of Columbia, and Louisiana. Of these, *not a single empirical study* shows voucher programs led to increased segregation.

Nine out of the 10 studies found the voucher programs actually moved students into schools that were more integrated, while the other showed the voucher was having no net effect.

“Public schools are intractably segregated by race, mostly because students are assigned to schools based on where they live,” EdChoice wrote. “School choice has the potential to break down those residential barriers.” Long-term research also shows minority students in voucher programs are 35 percent more likely to obtain a bachelor’s degree than their public school peers.

Because of their popularity with parents, voucher programs have seen consistent growth since 1990, and there are now 26 separate voucher programs in operation in 15 states and the District of Columbia, giving over 178,000 students access to the school that best suits their unique needs and helping to integrate schools.

You can find additional documents providing more information on vouchers and education choice [here](#).

Nothing in this *Research & Commentary* is intended to influence the passage of legislation, and it does not necessarily represent the views of The Heartland Institute. For further information on this subject, visit [School Reform News](#), The Heartland Institute’s [website](#), and [PolicyBot](#), Heartland’s free online research database.

The Heartland Institute can send an expert to your state to testify or brief your caucus; host an event in your state; or send you further information on a topic. Please don’t hesitate to contact us if we can be of assistance! If you have any questions or comments, contact John Nothdurft, Heartland’s director of government relations, at john@heartland.org or 312/377-4000.

= 9

This message was sent to rep48@ohiohouse.gov from lstroud@heartland.org

Lindsey Stroud
The Heartland Institute
3939 North Wilke Road
Arlington Heights, IL 60004



Unsubscribe

From: Public Policy Law360
Sent: Monday, September 25, 2017 5:17 AM
To: Rep48
Subject: Trump Issues New Travel Restrictions As Ban Expires



Monday, September 25, 2017



TOP NEWS

Trump Issues New Travel Restrictions As Ban Expires

President Donald Trump signed a proclamation on Sunday laying out travel restrictions for eight countries, including five that were subject to the previous travel ban, marking the latest chapter in the administration's efforts to limit entry to the U.S. for certain foreign nationals. [Read more »](#)

Analysis

What Enviro Lawyers Should Be Watching At The High Court

A new U.S. Supreme Court term kicks off next month, when the justices will hear a closely watched battle over where challenges to the Obama administration's Clean Water Rule should be filed, and decide whether to review a slew of other environmental cases involving questions such as tribal groundwater rights and endangered species protections. Here are cases environmental attorneys will be watching during the upcoming term. [Read more »](#)

Analysis

Looming Net Neutrality Decision May Overtake FOIA Actions

Freedom of Information Act complaints related to net neutrality are piling up in federal court, but the Federal Communications Commission



[Listen to our new podcast here](#)

LAW FIRMS

Arnold & Porter Kaye Scholer
Baker Botts
BakerHostetler
Ballard Spahr
Banner & Witcoff
Beveridge & Diamond
Crowell & Moring
Davis Wright Tremaine

may decide whether to roll back the legal underpinnings for its net neutrality rules before it releases documents that journalists and watchdogs claim are game-changers, experts say. [Read more »](#)

Trump's Latest US Atty Noms Include Sidley, Goodwin Alums

President Donald Trump released on Friday his latest batch of nominations for U.S. attorney, including former associates at Sidley Austin LLP and Goodwin Procter LLP. [Read more »](#)

Inspector General To Review Price's Use Of Private Jets

The liberal use of chartered jets by Health and Human Services Secretary Tom Price at taxpayer expense has drawn the attention of HHS' Office of Inspector General, which confirmed Friday to Law360 it has initiated a review of Price's travel habits. [Read more »](#)

ENERGY & ENVIRONMENTAL

Enviros Oppose EPA Bid To Delay Coal Ash Rule Litigation

Environmental groups on Thursday asked the D.C. Circuit to deny the U.S. Environmental Protection Agency's bid to delay challenges to an Obama administration rule that governs the handling of coal ash, saying the court should hold oral argument next month. [Read more »](#)

DC Circ. Sees 'No Logic' In FERC Connection Cost Rules

Members of a D.C. Circuit panel criticized a Federal Energy Regulatory Commission decision Friday, with one judge saying there was "no logic" in one of the reasons behind the ruling that would prevent a transmission company from earning a return for operating an upgraded system. [Read more »](#)

Ontario To Join California And Quebec's Carbon Market

Dewey & LeBoeuf
Dorsey & Whitney
Earthjustice
Fisher Phillips
Goodwin
Haynes and Boone
Jenner & Block
K&L Gates
Latham & Watkins
Mayer Brown
McDonnell Boehnen
Miller Canfield
Munger Tolles
Nixon Peabody
Norton Rose Fulbright
Olivares
Paul Weiss
Quinn Emanuel
Reed Smith
Ropes & Gray
Sidley Austin
Squire Patton Boggs
Steptoe & Johnson LLP
Talley Anthony
Troutman Sanders
Venable LLP
Vinson & Elkins
WilmerHale
Yetter Coleman

COMPANIES

AARP Inc.
Acacia Research Corporation
Airbnb Inc.
Allegis Group
Allergan PLC
Alpha Natural Resources, Inc.
Altman Weil Inc.
Ameren Corporation

Ontario has entered an agreement to join California and Quebec in their cap-and-trade market run by nonprofit Western Climate Initiative Inc., with the goal of reducing greenhouse gas emissions, the Ontario government announced Friday. [Read more »](#)

Honeywell, NRDC Urge DC Circ. To Revisit HFC Decision

Honeywell International Inc., Chemours Co. FC LLC and the Natural Resources Defense Council on Friday urged the D.C. Circuit to reconsider an August decision to undo a U.S. Environmental Protection Agency rule to prohibit manufacturers from using hydrofluorocarbons, saying the decision guts a crucial tool for dealing with climate change. [Read more »](#)

Enviros Sue To Stop Montana Gold Mine Near Yellowstone

Environmental groups filed suit in Montana state court on Friday attempting to halt the first phase of a mining project being developed by Lucky Minerals LLC that involves exploratory drilling on private property 30 miles north of Yellowstone National Park, arguing that the state didn't conduct a proper environmental assessment. [Read more »](#)

La. Intervenes In Case Over Red Snapper Overfishing

The state of Louisiana asked a D.C. federal court Thursday to allow it to intervene on the federal government's behalf in a conservation group's suit over authorities' decision to temporarily allow "overfishing" of red snapper in the Gulf of Mexico this summer, saying the suit impairs the state's interest in fishing-related tourism and tax revenues. [Read more »](#)

HEALTH & LIFE SCIENCES

McCain Opposes ACA Repeal, Imperiling Bill

American Civil Liberties Union
American Federation of Teachers
American Medical Association Inc.
American Petroleum Institute Inc.
American Public Power Association
Anadarko Petroleum Corporation
Arkema SA
Atlanticare Health System Inc.
Atwood Oceanics Inc.
BP p.l.c.
Blaqwell Inc.
Blue Cross and Blue Shield Association
Burford Capital LLC
Business Intelligence Associates Inc.
BuzzFeed Inc.
Callon Petroleum Co.
Chemours Co.
Chevron Corporation
Clayton Williams Energy, Inc.
Cray Inc
DTE Energy Company
Daiichi Sankyo Co.
Deloitte Touche
Denbury Resources Inc.
Diamondback Energy Inc.
Ecolab Inc.
Edison Electric Institute Inc.
Enbridge
Energy Transfer Partners, L.P.
Ensco PLC
Environmental Defense Fund Inc.
Equifax Inc.
Ernst & Young
Expedia Inc.
Exxon Mobil Corporation
Facebook